Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Twenty-second Legislative Assembly
In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 5th, 1931, and
Ending March 5th, 1931

Including Referendum Measures Voted upon by the People
at the General Election held November 4th, 1930

PUBLISHED BY AUTHORITY

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CERTIFICATE OF AUTHENTICATION

State of Montana
Department of
Secretary of State
} ss.

I, W. E. Harmon, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions, memorials and appropriations that were passed at the Twenty-second Regular Session of the Legislative Assembly of the State of Montana, held at Helena, the seat of Government of said State, commencing January 5th, 1931, and concluding March 5th, 1931, and, in addition, true and correct copies of all Referendum Measures adopted by the people of Montana at the General Election, held November 4th, 1930.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Seat of Government, this 15th day of May, A. D. 1931.

Great Seal
of the State
of Montana

W. E. Harmon

Secretary of State.

OFFICERS AND MEMBERS

OF THE

22nd Legislative Assembly of the State of Montana

Governor, J. E. ERICKSON

Lieutenant Governor and President of the Senate, F. A. HAZELBAKER
Speaker of the House, W. R. FLACHSENHAR

STATE SENATORS

NAME	Residence	County	Politics
Angvick, Lars	Reserve	Sheridan	Republican
*Baker, Dr. Arthur A.	Glendive	Dawson	Republican
Burr, Geo. A.	Winnett	Petroleum	Democrat
Campbell, John L.	Missoula	Missoula	Republican
*Church, W. R.	Helena	Lewis & Clark	Democrat
Cooper, Geo. R.	DeBorgia	Mineral	Republican
Corwin, John W.	Park City	Stillwater	Republican
*Cowan, Wm. T.	Box Elder	Hill	Republican
*Crawford, James	Circle	McCone	Republican
*Delaney, F. W.	Terry	Prairie	Democrat
Donovan, Louis P.	Shelby	Toole	Democrat
Duncan, M. M.	Virginia City	Madison	Democrat
Eaton, Ernest T.	Polytechnic	Yellowstone	Republican
Fenton, E. E.	Forsyth	Rosebud	Republican
Galt, E. F.	Geyser	Judith Basin	Republican
Garber, John D.	Plains	Sanders	Democrat
*Gilboe, Christian F.	Valier	Pondera	Republican
*Gustafson, Geo. W.	Chinook	Blaine	Republican
*Hagerty, Dan F.	Browning	Glacier	Democrat
*Harris, Orville	White Sul. Sprgs.	Meagher	Republican
*Higbie, D. V.	Big Timber	Sweet Grass	Republican
Himsl, V. S.	Plevna	Fallon	Republican
*Holt, S. A.	Broadus	Powder River	Republican
*Holton, Albert	Cohagen	Garfield	Republican
Husband, W. C.	Harlowton	Wheatland	Republican
Jergensen, Jas. A.	Whitehall	Jefferson	Republican
Kane, Thomas	Corvallis	Ravalli	Republican
Kaulbach, Dr. J.	Fort Benton	Chouteau	Republican
*Keeley, W. E.	Deer Lodge	Powell	Republican
Kemmis, Walter D.	Sidney	Richland	Republican
Larson, T. O.	Choteau	Teton	Republican
*McCleary, Frank	Red Lodge	Carbon	Democrat
*McCormick, F. T.	Roundup	Musselshell	Republican
Page, John R.	Philipsburg	Granite	Democrat
*Parkin, E. J.	Bozeman	Gallatin	Republican
Pauline, Robert	Kalispell	Flathead	Republican
*Plank, Leonard	Chester	Liberty	Democrat
‡Putnam, John A.	Hardin	Big Horn	Democrat
Reed, Grant	Townsend	Broadwater	Republican
Rowland, M. D.	Libby	Lincoln	Republican
Ruffcorn, Wm. M.	Glasgow	Valley	Republican
*Schnitzler, J. W.	Froid	Roosevelt	Republican
*Shelver, Harry	Livingston	Park	Republican
*Smith, Henry C.	Miles City	Custer	Republican
*Smith, Pearl I.	Dillon	Beaverhead	Republican
*Sparling, James T.	Flaxville	Daniels	Democrat
Staggs, W. L.	Wibaux	Wibaux	Republican
*Stewart, T. P.	Anaconda	Deer Lodge	Republican
†Stout, Tom	Lewistown	Fergus	Democrat
*Stoutenburg, H. W.	Hysham	Treasure	Republican
*Survant, John	Malta	Phillips	Republican
*Thien, Henry	Ryegate	Golden Valley	Republican
*Tower, Ralph R.	Polson	Lake	Republican
Walker, Thomas J.	Butte	Silver Bow	Democrat
Wheeler, Leon L.	Ekalaka	Carter	Republican
Willis, Sidney A.	Great Falls	Cascade	Democrat

*Holdover. Elected in 1928.

‡To succeed Ervin A. Richardson, deceased.

†Rules suspended to extend floor privileges and power to act in advisory capacity on standing committees by reason of vacancy caused by death of Sam W. Teagarden, Fergus County, Democrat.

FRANK CONE, Secretary.

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House of Representatives

NAME	Residence	County	Politics
Adair, H. R.	Helena	Lewis & Clark	Democrat
Arnold, John	Birney	Rosebud	Democrat
Arnold, Steve C.	Broadview	Stillwater	Republican
Bechtel, Carson	Livingston	Park	Republican
Benjamin, Harry E.	Shelby	Toole	Democrat
Blewett, Alex	Butte	Silver Bow	Republican
Brown, Fred M.	Bozeman	Gallatin	Republican
Brown, W. A.	Great Falls	Cascade	Democrat
Buck, Harry H.	Kalispell	Flathead	Republican
Budas, Albert	Roberts	Carbon	Republican
Burke, Ed	Anaconda	Deer Lodge	Democrat
Burrell, C. E.	Ismay	Fallon	Republican
Casey, Horace	Butte	Silver Bow	Democrat
Chapman, D. W.	Peerless	Daniels	Democrat
Coffee, Oakley E.	Missoula	Missoula	Democrat
Cole, Dean J.	Billings	Yellowstone	Republican
Cooney, Byron E.	Butte	Silver Bow	Democrat
Cranston, R. F.	Winifred	Fergus	Democrat
Curran, Lucy A.	Poplar	Roosevelt	Republican
Darlinton, G. W.	Bozeman	Gallatin	Republican
Dellwo, Dennis A.	Charlo	Lake	Democrat
Doran, Tod	Butte	Silver Bow	Democrat
Dougherty, Ralph	Grantsdale	Ravalli	Republican
Dunn, Robt. J.	Bozeman	Gallatin	Republican
Ekegren, E. P.	Harlem	Blaine	Republican
Erickson, L. N.	Lavina	Golden Valley	Republican
Fairgrieve, Alex	Washoe	Carbon	Republican
Finlen, J. T., Jr.	Butte	Silver Bow	Democrat
Flachsenhar, W. R.	Terry	Prairie	Republican
Freed, Elden	Winnett	Petroleum	Democrat
Goodwin, Phil C.	Butte	Silver Bow	Democrat
Gordon, Geo. D.	Fort Benton	Chouteau	Democrat
Grabow, Edw. E.	Livingston	Park	Democrat
Graff, Geo. W.	Billings	Yellowstone	Republican
Green, Henry R.	Lindsay	Dawson	Republican
Hagestad, Ray M.	Wolf Point	McCone	Republican
Haight, Herbert H.	Suffolk	Fergus	Democrat
Hamilton, Leverne	Musselshell	Musselshell	Democrat
Hamilton, Mrs. W. W.	Dodson	Phillips	Democrat
Hanson, L. C.	Hinsdale	Valley	Republican
Haverfield, Dr. L. E.	Hardin	Big Horn	Republican
Henderson, M. R.	Hall	Granite	Republican
Hodgskiss, J. E.	Choteau	Teton	Republican
Jarrett, R. S.	Big Timber	Sweet Grass	Republican
Knight, Frank	Great Falls	Cascade	Republican
Kruse, Albert H.	Brusett	Garfield	Republican
Leavitt, W. B.	Miles City	Custer	Republican
Lewis, David J.	Sioux Pass	Richland	Republican
Lillis, B. C.	Billings	Yellowstone	Republican
Logan, E. U.	Billings	Yellowstone	Republican
Manning, Seth	Wibaux	Wibaux	Republican
Martin, Geo. S.	Glacier Park	Glacier	Democrat
Mason, George P.	Helena	Lewis & Clark	Democrat
McCormack, W. S.	Kalispell	Flathead	Republican
McDermott, Peter	Butte	Silver Bow	Democrat
McFarland, Gib	Twodot	Wheatland	Democrat
Merriman, S. C.	Red Lodge	Carbon	Republican
Metlen, Joe	Armstead	Beaverhead	Democrat
Meyer, Harry	Butte	Silver Bow	Democrat
Miller, Timothy	Libby	Lincoln	Democrat
Minnick, Dr. R. P.	Saco	Phillips	Democrat
Morris, John J.	Anaconda	Deer Lodge	Democrat
Moss, G. M.	Whitefish	Flathead	Republican
Murphy, C. F.	Anaconda	Deer Lodge	Democrat
Nelstead, T. E.	Ekalaka	Carter	Republican
Nyquist, David N.	Opheim	Valley	Republican
O'Connell, Jerry J.	Butte	Silver Bow	Democrat
O'Day, R. S.	Great Falls	Cascade	Democrat
Pappin, Floyd	Great Falls	Cascade	Republican
Parker, Neil C.	Creston	Flathead	Republican
Pauly, Sylvan J.	Deer Lodge	Powell	Republican
Porter, A. T.	Stevensville	Ravalli	Democrat
Quamme, T. N.	Brady	Pondera	Republican
Replogle, Bert	Lewistown	Fergus	Democrat
Rigg, Peter M.	Hingham	Hill	Republican
Roll, Fritz	Great Falls	Cascade	Republican
Rolph, H. D.	Joplin	Liberty	Democrat
Ross, Thomas A.	Chinook	Blaine	Republican

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HOUSE OF REPRESENTATIVES—(Continued)

NAME	Residence	County	Politics
Ryder, Arthur	Froid	Roosevelt	Republican
Salyerds, David C.	Lewistown	Fergus	Republican
Sample, Harry A.	Glendive	Dawson	Republican
Schilling, Fred	Missoula	Missoula	Republican
Shannon, Ray N.	Perma	Sanders	Democrat
Sheffer, J. C.	Sanders	Treasure	Republican
*Southmayd, Dr. LeRoy	Great Falls	Cascade	Democrat
Spangler, R. W.	Superior	Mineral	Democrat
Stewart, S. V.	Helena	Lewis & Clark	Democrat
Sullivan, Henry	Butte	Silver Bow	Democrat
Swope, Harry A.	Townsend	Broadwater	Republican
Tinsley, Basil	Pony	Madison	Democrat
Troy, T. J.	Havre	Hill	Republican
Ueland, Andrew	Outlook	Sheridan	Republican
Ueland, R. R.	Antelope	Sheridan	Republican
Vollmer, Joseph	East Helena	Jefferson	Democrat
Waite, W. T.	Broadus	Powder River	Republican
Waring, C. L.	Acton	Yellowstone	Republican
Watson, Arthur H.	White Sul. Sprgs.	Meagher	Republican
Watson, Fred	Missoula	Missoula	Republican
Willard, Dr. Asa	Missoula	Missoula	Republican
Wilson, J. Harry	Coffee Creek	Judith Basin	Republican
Woodcock, John W.	Fort Benton	Chouteau	Democrat

*Vacancy by death of Chas. M. Simpson, Volberg, Custer Co., Republican.

H. J. FAUST, Chief Clerk.

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REFERENDUM MEASURES

REFERENDUM MEASURE NO. 33

An Act to Authorize the State of Montana to Become Indebted in the Sum of Three Million Dollars in Excess of the Constitutional Limitation of Indebtedness and Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which the State of Montana Is Now Obligated, for the Construction, Repair, and Equipment of Necessary Buildings, Other Permanent Improvements and the Acquisition of Necessary Grounds Therefor, at the Several Institutions of the State of Montana, Consisting of the State University at Missoula, State College of Agricultural and Mechanic Arts at Bozeman, the Montana State School of Mines, at Butte, the Montana State Normal College at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agricultural and Manual Training School at Fort Assinniboine, Now Comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, Montana School for Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, the State Vocational School for Girls at Helena, the State Insane Asylum at Warm Springs, the Montana State Tuberculosis Sanitarium at Galen, the State Soldiers' Home at Columbia Falls, and the State Prison at Deer Lodge; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness and for the Sale Thereof, Prescribing the Form of Such Bonds and Providing for the Levy of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon 651

REFERENDUM MEASURE NO. 34

An Act Providing for the Increase of the Rate of Taxation on Real and Personal Property for State Purposes of not to Exceed Three (3) Mills on Each Dollar of Valuation, in Addition to the Levy Which is now or may be hereafter Authorized by Section 9 of Article 12 of the Constitution of the State of Montana, for a period of Ten Years Beginning with the Year 1931, and to Authorize and Empower the Legislative Assembly to Levy a Tax for Each Year During Such Period of an Additional Levy of not to Exceed Three (3) Mills on each Dollar of Valuation for the Support, Maintenance and Improvement of the Institutions now Comprised in the Greater University of Montana, Together with the Agricultural Experiment Station and Its Branches and Substations, and the Agricultural Extension Service, Including the Soil Survey and the Grain Laboratory and to Appropriate so much of the Money Derived therefrom for each year During Said Period as may be Necessary for said Purposes, and Providing for the Submission of this Act to the Qualified Electors of the State of Montana at the next General Election, Describing the Form of Ballots to be Used and the Duties of the Secretary of the State of Montana Relative to the Submission of said Act to the Qualified Electors of Said State 655

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SESSION LAWS

CHAPTER 1.

An Act Authorizing the Issuance of Treasury Debentures of the State of Montana in the Principal Sum not Exceeding Six Million Dollars for the Years 1931 to 1934, Inclusive, and not to Exceed One Million Five Hundred Thousand Dollars in Any One of Said Years, and Sale Thereof for Use of State Highway Fund for the Purpose of Assuring the Ability of the State of Montana to Secure Any Moneys Made Available by Act of Congress in Reference to Highways; and Anticipating the Revenues From License or Excise Tax on Motor Fuels; Prescribing the Terms and Conditions of Said Treasury Debentures and the Dates of Their Maturity; the Procedure for Issuance and Sale Thereof; Providing a Method by Which the State Treasurer May Purchase Said Debentures and Providing that Said Debentures May be Accepted as Security for the Repayment of Public Funds; Prescribing the Conditions Under Which Sale of Such Debentures May be Made; Prescribing the Handling and Use of the Funds Derived from the Sale of Such Treasury Debentures; Prescribing the Amounts and Years, Respectively, in Which Said Treasury Debentures Shall be Due and Payable; Providing for the Repayment of Both Principal and Interest of Such Debentures and for the Setting Aside of Sufficient of Said Excise Tax to Pay the Same; Providing for the Cost of Advertising the Sale of Said Debentures; and Making the Issuance and Sale of Said Debentures an Irrevocable Contract Between the State and the Owner of Any of Said Debentures and Providing that Said Excise Tax on Motor Fuels at the Rate Provided by this Session of the Legislature Shall not be Reduced so Long as Any of Said Debentures are Outstanding and Unpaid; Repealing all Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

NOTE: Montana Supreme Court has held in State ex rel. Geo. H. Diedericks, Relator, vs. State Highway Commission et al., that act violates Sec. 2 of Art. XIII of the Constitution and is therefore void. Decision dated February 21st, 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That for the purpose of assuring the ability of the State of Montana to secure any funds or moneys

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allocated to the State and made available to it by Acts of Congress of the United States in reference to the construction, betterment and maintenance of highways; and to provide additional working funds for the State Highway Commission in reference to the roads and highways of the State, the State Highway Commission is hereby authorized and directed to anticipate the proceeds of the collection of the license or excise taxes on motor fuels by the issuance and sale of State Highway debentures in the amount of One Million Five Hundred Thousand Dollars ($1,500,000.00) during each of the years 1931 to 1934, inclusive, and not to exceed in the aggregate Six Million Dollars ($6,000,000.00), and not to exceed One Million Five Hundred Thousand Dollars ($1,500,000.00) in any one of said years, bearing interest at a rate not exceeding five per centum (5%) per annum, payable semi-annually. Said debentures shall be issued in serial form to mature in the aggregate principal sum of Eight Hundred Fifty-eight Thousand Dollars ($858,000.00) in each of the years from 1934 to 1939, inclusive, and Eight Hundred Fifty-two Thousand Dollars ($852,000.00) in the year 1940.

Purpose of debentures.

Amount of debentures.

Form.

Section 2. The State Highway Commission is hereby authorized, directed and empowered, at any time after the passage and approval of this Act, to order the sale of said debentures in the years and in the amounts as hereinbefore provided in denominations to suit the purchaser, and said debentures shall be subscribed by the Governor of the State of Montana in his official capacity, and attested by the Secretary of State by his official signature, and the Great Seal of the State of Montana affixed thereto, and countersigned by the Treasurer of the State of Montana and by the Chairman of the State Highway Commission, and there may be attached coupons bearing the facsimile signature of the State Treasurer for semi-annual installments of interest.

Any denomination.

How Signed.

Section 3. Said debentures shall be sold by the State Treasurer and the State Highway Commission to the highest or best bidder for cash, at not less than par and accrued interest, at such times and in such amounts, subject to the limitations herein imposed, as may be authorized by said Commission, after advertising the time and place of sale by notice published for four consecutive weeks in at least one newspaper published in the City of Helena, Montana, and one publication in one newspaper

How sold.

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published in the City of New York, State of New York, the first publication to be not less than thirty (30) days next prior to date of sale. At the time and place stated in said notice, the State Treasurer and the State Highway Commission shall open the bids in public and may award said debentures to the bidder or bidders offering the highest price, not less than par and accrued interest, or offering to purchase said debentures at par and accrued interest at the lowest rate of interest. They shall require as security for compliance with the terms of each bid deposit of a certified check equal to two per centum (2%) of the bid, drawn on some solvent bank or trust company, payable to the order of the State Treasurer, as a guaranty that the debentures will be paid for by the bidder if his bid is accepted, to be forfeited in case he fails to make good his bid. They may reject any and all bids. The cost of such advertisement shall be paid out of the State Highway Fund upon warrant issued by the State Auditor. The proceeds of the sale of said debentures shall be paid into the State Treasury, and placed in the State Highway Fund therein, to be used for the purposes hereinbefore provided.

Bidding.

Section 4. The issue and sale of said debentures shall constitute an irrevocable contract between the State and the owner of any of said debentures that said excise taxes o motor fuels at the rate provided by this session of the Legislature of the State of Montana shall not be reduced so long as any of said debentures remain outstanding and unpaid, and that the State will cause said taxes to be promptly collected and after the payment of refunds as provided by law sufficient thereof set aside and applied to pay said debentures, and interest, according to the terms thereof. And the Treasurer of the State of Montana shall keep a correct record of all such debentures issued, and, from the proceeds of said excise taxes, he shall first set aside each month in a separate fund a sufficient sum to pay the interest accruing each respective month on said debentures, and during the twelve months next preceding the maturity of each series of such debentures he shall set aside from said proceeds sufficient money to provide for the payment of the principal thereof at maturity. Said motor fuels excise tax shall be irrepealable until all of said debentures and the interest to grow due thereon shall have been fully paid, and all of

How paid.

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said debentures and interest shall be paid from the proceeds of said excise tax.

Treasurer may purchase.

Section 5. The State Treasurer may, with approval of the State Board of Examiners, and the other officials whose approval is required by law for investment of public funds, purchase such debentures at par and accrued interest for investment without advertising or offering them for sale or after rejection of bids for all or part of any issue.

May be used as security for public funds.

Section 6. Said debentures may be accepted at their par value by all public officials in this State as security for the repayment of all deposits of public moneys of this State, or of any county, municipality or public institution thereof, as security for the faithful performance of any obligation or duty to guarantee the performance of which such officials are now authorized by law to accept a deposit of the bonds of this State or of the United States of America.

Section 7. This Act shall be known as "The State Highway Treasury Anticipation Debenture Act of 1931."

Section 8. If any section, provision, clause, or phrase of this Act be adjudged unconstitutional, or invalid by any court, for any reason, such adjudication shall not affect the validity of this Act as a whole, or of any section or provision thereof which is not specifically so adjudged unconstitutional or invalid.

Section 9. All Acts and parts of Acts in conflict herewith, or any part hereof, are hereby repealed.

Section 10. An emergency existing therefor, which emergency is hereby declared to exist, this Act shall take effect and be in force and effect from and after its passage and approval.

Approved January 26, 1931.

NOTE: Montana Supreme Court has held in State ex rel. Geo. H. Diedericks, Relator, vs. State Highway Commission et al., that act violates Sec. 2 of Art. XIII of the Constitution and is therefore void. Decision dated February 21st, 1931.

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CHAPTER 2.

An Act to Authorize and Provide for the Consolidation and Merging of the Corporate Existence and Government of the County of Silver Bow and All Cities and Towns Therein into One Municipal Corporation and Government Under the Corporate Name "City and County of Butte", Defining the Powers Thereof and Providing a Commission-Mayor Plan of Government Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Application of Act.** The provisions of this Act shall apply to the County of Silver Bow and to all cities and towns therein after the question of its adoption shall have been submitted to the electors of the county and approved by a majority of those voting thereon as hereinafter provided. Upon the adoption of this Act by the electors of the county, and the election and qualification of a commission and officers thereunder, the separate corporate existence and government of the county of Silver Bow and of each and every city and town therein shall be deemed consolidated and merged into one municipal corporation and government under the corporate name "City and County of Butte", which shall have the powers and be governed in the manner provided by this Act. As a political sub-division of the State, the City and County of Butte shall have the status of a county, and for the purpose of representation in the state legislature, as provided by the Constitution and laws of Montana, and for all other purposes, it shall replace and be the successor of Silver Bow County. Until otherwise provided by law, the City and County of Butte shall constitute the Second Judicial District of the State of Montana.

Consolidation of city and county.

Section 2. **Special Election for Adoption.** Within fifteen (15) days after the passage and approval of this Act, the Board of County Commissioners of Silver Bow County shall order a special election to be held at which election the question of the adoption of this Act shall be submitted to the qualified voters of such county. Such order shall specify the date on which such election is to be held which shall not be more than forty (40) days from and after the date when such order is made, and the

Special election.

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Board of County Commissioners shall immediately upon making such order issue a notice setting forth the purpose for which such special election is to be held, and the date of holding the same, which notice shall be published in a daily newspaper printed and published in said county, and posted in each precinct in the county for twenty (20) days immediately preceding the date for the holding of such election.

Registration.

The registration books of the county shall be closed for such election by the County Clerk on the tenth day before the date for holding such election, and the County Clerk shall publish a notice for ten (10) days, immediately preceding the date when such registration books will be closed, in each of the daily newspapers printed and published in such county, setting forth the fact that such registration books will be closed for such election and the date when the same will be so closed.

Except as otherwise herein provided, said election shall be held, the votes counted and returns made and canvassed in the same manner as provided in the laws governing general elections.

Section 3. **Form of Ballot.** At such election the question of the adoption of this Act shall be submitted to the electors by printed ballot, and by voting machines, and the ballot shall be in form substantially as follows:

Form of ballot.

Shall the County of Silver Bow and all cities and towns therein be merged in one government, to be known as the City and County of Butte.

☐ YES

☐ NO

Section 4. **Commissioner Districts.** The City and County of Butte is hereby divided into Seven Commissioner Districts as follows:

District No. 1 shall consist of the present election precincts numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, and 59.

Commissioner districts.

District No. 2 shall consist of the present election precincts numbered 9, 11, 13, 15, 17, 19, 21 and 27.

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District No. 3 shall consist of the present election precincts numbered 14, 16, 18, 20, 24, 26, 28, 30 and 32.

District No. 4 shall consist of the present election precincts numbered 22, 34, 36, 38, 40, 44 and 46.

District No. 5 shall consist of the present election precincts numbered 42, 48, 50, 52, 54, 56, 57, 58, 60, 61, 62 and 63.

District No. 6 shall consist of the present election precincts numbered 23, 25, 29, 31, 41, 43, 45, 47 and 49.

District No. 7 shall consist of the present election precincts numbered 33, 35, 37, 39, 51, 53 and 55.

The boundaries of these districts may be changed by ordinance, but they shall comprise compact and contiguous territory, and no change in any election district shall be made within sixty (60) days prior to the date of any election.

Said districts shall be divided as nearly as practicable so as to contain the same number of voters.

Section 5. **Primary Nominating Election.** If a majority of the votes cast at such special election shall be in favor of the adoption of this Act and such merger and consolidation, the Board of County Commissioners of Silver Bow County must, within ten (10) days after such election returns have been canvassed and the result determined, order a special primary nominating election to be held for the purpose of nominating candidates for Mayor and Commissioners and Municipal Judge, as provided in this Act, and such order shall specify the date when said primary nominating election shall be held, which shall be within thirty (30) days from and after the date when said order is made, and the Board of County Commissioners shall immediately upon making said order cause notice to be given, setting forth the purpose for which said primary nominating election is to be held and the date for holding the same, which notice must be published in all of the daily newspapers printed and published in said county and posted in each of the election precincts of said county for twenty (20) days immediately preceding the date fixed for holding said primary nominating election.

Primary nomination election.

The registration books of the county shall be closed for such election by the County Clerk on the tenth day be-

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Registration.

fore the date for holding such election, and the County Clerk shall publish a notice for ten (10) days, immediately preceding the date when such registration books will be closed, in each of the daily newspapers printed and published in such county, setting forth the fact that such registration books will be closed for such election and the date when the same will be so closed.

Nominations how made.

Nominations for offices of Mayor and Commissioners and Municipal Judge shall be made by petition, which petitions shall be in substantially the same form and contain the same matters as are required in petitions under the primary election laws of the state governing the nomination of candidates for county offices.

Petitions.

All nominating petitions shall be filed with the County Clerk. Each petition for the nomination of a candidate for Mayor or Municipal Judge shall be accompanied by a filing fee of one per centum (1%) of the amount of the first year's salary for such office, and each nominating petition for the office of commissioner shall be accompanied by a filing fee of Ten Dollars ($10.00).

Laws applicable.

Except as otherwise provided herein, all of the provisions of the general primary election laws of the state relating to the filing of nominating petitions for the nomination of candidates for county offices, shall apply to the filing of nominating petitions for such special primary nominating election.

Form of ballot.

Section 6. **Form of Ballot.** The County Clerk shall prepare the form of ballot to be used at such primary nominating election. The ballot for each commissioner district shall contain the names of all candidates for Mayor under their respective party designations and the names of all candidates for Municipal Judge under their respective party designations, and the names of all candidates for commissioner for such district under their respective party designations, but shall not contain the names of candidates for commissioner for any other district.

The County Clerk shall determine by lot the order in which the names of the candidates for Mayor, Commissioners, and Municipal Judge shall be printed on the ballot for each particular commissioner district.

Section 7. **Canvass of Returns.** Said primary nominating election shall be held, the votes counted and returns

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made and canvassed in the manner prescribed by the primary election laws governing the nomination of candidates for county offices.

Canvass of vote.

The candidate of each political party for the office of Mayor receiving the highest number of votes cast at such primary nominating election shall be the candidate for Mayor of such political party at the election hereinafter provided for; the candidate of each political party for the office of Municipal Judge receiving the highest number of votes cast at such primary nominating election shall be the candidate for Municipal Judge of such political party at the election hereinafter provided for, and the candidate of each political party for the office of Commissioner in each district receiving the highest number of votes cast at such primary election shall be the candidate of such political party for the office of Commissioner from such district.

Section 8. **Special Election for Mayor and Commissioners.** The Board of County Commissioners must within ten (10) days after the canvass of such returns of said primary nominating election order a special election to be held for the election of one Mayor, seven Commissioners and one Municipal Judge, and the date fixed for holding such election shall not be more than thirty (30) days from and after the date of making said order. Immediately after making said order the Board of County Commissioners shall issue an election proclamation, which shall be published and posted in the manner required by Section 535, Revised Codes of Montana of 1921.

The registration books of the county shall be closed for such election by the County Clerk on the tenth day before the date for holding such election, and the County Clerk shall publish a notice for ten (10) days, immediately preceding the date when such registration books will be closed, in each of the daily newspapers printed and published in such county, setting forth the fact that such registration books will be closed for such election and the date when the same will be so closed.

Except as otherwise herein provided, said election shall be held, the votes counted and returns made and canvassed in the same manner as provided in the laws governing general elections.

Section 9. **City Primaries and General Elections.** In the event of the adoption of this Act by the electors of

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City primaries and general elections.

Silver Bow County and the merger herein provided for becomes effective prior to the date for holding city primary and city general elections in the year 1931, then such elections, either primary or general, or both thereof, as would fall upon a date subsequent to such adoption, shall not be held, but such officers who are holding office in such city at the time of said adoption shall hold their respective offices until the qualification and organization of the commission hereinafter provided.

Commission and terms of office.

Section 10. **Commission—Terms of Office.** Except as otherwise provided in this Act, all powers of the municipality shall be vested in and the affairs thereof administered by the Commission for the City and County of Butte, which Commission shall consist of a Mayor and seven Commissioners, and the Mayor and Commissioners shall be nominated and elected in the manner provided in this Act.

The Mayor shall be nominated and elected at large, and the Commissioners shall be nominated and elected by districts, one Commissioner being elected from each district, and no person shall be elected as a Commissioner from any district unless he shall have actually resided within such district for a period of at least six (6) months immediately preceding his election.

The term of office of the Mayor and of each of the Commissioners shall be four (4) years, and their terms of office shall commence on the first Monday in January following their election; provided, however, that the term of office of three (3) of the Commissioners elected at the special election held for the election of officers after the adoption of this Act shall expire on the first Monday in January, 1933, and the terms of office of the Mayor and of four (4) of the Commissioners elected at such special election shall expire on the first Monday in January, 1935.

Formation of commission.

On the first Monday following the completion of the canvass of the returns of the special election for the election of a Mayor and Commissioners as provided in this Act, said commission shall meet in the court house of Silver Bow County and organize and assume the duties of office. They shall elect one of the Commissioners as president of the commission, who shall perform the duties of Mayor when the Mayor is absent from the City and County of Butte or incapacitated to perform the duties of his office.

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Term of office.

At the first meeting of such commission and after the same is organized, the seven (7) Commissioners shall determine by lot the three (3) thereof whose terms shall expire on the first Monday in January, 1933, and the four (4) thereof whose terms will expire on the first Monday in January, 1935.

Section 11. **Qualification of Mayor and Commissioners.** The Mayor and Commissioners elected at the special election provided for by this Act shall be residents and freeholders of the County of Silver Bow for at least two (2) years next preceding their nomination and election, and the Mayor and Commissioners thereafter elected shall be residents and freeholders of the City and County of Butte for at least two (2) years next preceding their nomination and election.

Qualifications.

Neither the Mayor nor any Commissioner shall hold any other office, while continuing to hold the office of Mayor or Commissioner, and if the Mayor or any Commissioner shall cease to possess any of the qualifications required by law or any provisions of this Act, the office shall be forfeited. If a Commissioner elected from any district shall cease to be a resident of such district, he shall forfeit his office.

The Mayor shall by his vote decide any tie, but shall not have a vote on any other question.

Deduction for absence.

Any Commissioner absenting himself from a regular or regularly called meeting thereof, except with the permission of the commission or on account of his own illness or other unavoidable cause, shall forfeit the sum of Ten Dollars ($10.00), to be deducted from his salary. Absence from all regular meetings for a period of ninety (90) days shall work a forfeiture of the office of such Commissioner, unless such absence is authorized or excused by the Commission.

Section 12. **Salaries.** The salary of the Mayor shall be the sum of Forty-eight Hundred Dollars ($4800.00) per annum, payable monthly, and the salary of each of the members of the commission shall be the sum of Fifty Dollars ($50.00) per month.

Salaries.

Section 13. **Compensation of Employees.** The commission shall by ordinance fix the compensation of all officers, deputies, agents, servants, and employees of the

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municipality whose compensation is not otherwise provided for in this Act or by general laws of the State.

Section 14. **Members of Commission Not to Hold Other Office.** No person elected to the commission shall, during the term for which elected, be appointed to any office or position in the service of the municipality.

Vacancies.

Section 15. **Vacancies.** If a vacancy occurs in the commission or in any other elective office of the municipality, or of either township thereof, some eligible person shall be chosen by a majority vote of the remaining members of said commission to fill said vacancy until the next general election. Any vacancy must be filled by the commission at the next regular meeting after such occurrence.

If a vacancy occurs in the office of Mayor, or in case of his absence or disability to act, the President shall act as Mayor during the continuance of such vacancy, absence or disability.

Oaths and bonds.

Section 16. **Oaths of Office—Bonds.** The Mayor and each member of the commission and each elective officer shall before entering upon the discharge of the duties of his office take and subscribe to the oath or affirmation required of all county officers by the state law and shall give bond in the following amounts:

The Mayor and each Commissioner shall give bond in the sum of Five Thousand Dollars ($5,000.00).

Each elective officer, other than the Mayor and members of the Commission, shall give bond in the same amount as required of such officer by the general laws of this State in counties having the same assessed valuation.

The commission shall by ordinance fix the bond to be given by each appointive officer, and may require bonds to be given by such deputies or assistants as it may deem proper.

The bonds of members of the commission shall be approved by one of the District Judges of the Second Judicial District, and the bonds of all other officers and deputies shall be approved by the commission.

The premium on all official bonds shall be paid by the municipality.

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All such bonds and oaths or affirmations, except that of the clerk, shall be filed with and kept by the clerk, and the bond and oath or affirmation of the clerk shall be filed with and kept by the Treasurer.

Section 17. **Meetings of Commission.** On the first Monday following the completion of the canvass of the returns of the special election for the election of a Mayor and Commissioners, as provided in this Act, the commission shall meet at the court house in Butte, Montana, and the newly elected members shall assume the duties of office, by taking the oath prescribed by the laws of the State of Montana and required of all officers elected thereunder. Thereafter the commission shall meet on the first and third Wednesdays of each month at such hour as shall be fixed by ordinance. Special meetings shall be called by the clerk upon the written notice of the Mayor or in his absence, by the President of the commission, or by a majority of the members of the commission, and any such call shall state the subject to be considered at such special meeting and no other subject shall be there considered except by unanimous consent. All meetings of the commission shall be open to the public and citizens of the municipality shall be afforded a reasonable opportunity to be heard in any of such meetings in regard to any matter considered thereat.

Meetings of commission.

This commission shall have and possess all powers now vested in the City Council by state law or by ordinance of the City of Butte, as far as the same does not conflict with the provisions of this Act.

Section 18. **Mayor—Powers and Duties.** The Mayor shall preside at all meetings of the commission, and shall exercise the powers and perform the duties conferred upon him by this Act and the ordinances of the municipality. He shall be recognized as the official head of the municipality for all purposes, by the courts for serving of civil process, and by the Governor for purposes of military law. In time of public danger or emergency he shall take command of the police and maintain law and order. He shall hold, possess and exercise all of the powers and duties, except such as may be in conflict or inconsistent with the provisions of this Act, held, possessed and exercised by mayors of cities under the general laws of the state.

Powers and duties of mayor.

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Rules and records.

Section 19. **Commission — Rules of Order — Journal.** The commission shall determine its own rules and order of business and shall keep a journal of its proceedings. The full minutes of all meetings shall be entered in the journal and signed by the Mayor and Clerk of the Commission.

Quorum.

Section 20. **Commission—Quorum.** A majority of the members elected to said commission shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of the absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of the majority of the members present shall be necessary to adopt any ordinance, resolution, order or vote.

All officers, elective or appointive, of the municipality shall be entitled to be present at all sessions of the commission and shall have the right to take part in the discussion of all matters coming before the commission relating to their respective departments, offices, or duties.

Ordinances introduction.

Section 21. **Ordinances — Introduction — Adoption.** Ordinances and resolutions shall be introduced in the commission only in written or printed form. All ordinances or resolutions, except ordinances providing for appropriations, shall be confined to one subject which shall be clearly expressed in the title, except as provided in the next succeeding section hereof.

Ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read on three separate times, unless the requirement of reading on three separate times has been dispensed with by a vote of not less than two-

Adoption.

thirds of the members of said commission. The final reading shall be in full unless a written or printed copy of the measure shall have been furnished to each member of the commission prior to such reading. The enacting clause of all ordinances passed by the commission shall be: Be it ordained by the City and County of Butte. The enacting clause of all ordinances submitted by the initiative shall be: Be it ordained by the people of the City and County of Butte.

Ordinances may be revised, codified, rearranged and published in book form under appropriate titles, chap-

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ters and sections and such revision and codification may be made in one ordinance containing one or more subjects. Any such publication of a revision or codification, in book form, of such ordinances shall contain a certificate of the mayor and clerk as to the correctness of such revision, codification and publication; and such book so published and containing such certificate shall be received in evidence in any court for the purpose of proving the ordinance or ordinances therein contained and shall be given the same force and effect as the original book, ordinances, minutes, or journals would receive.

Codification of ordinances.

No ordinance, resolution or section thereof shall be revised or amended unless the new ordinance or resolution contain the entire ordinance, resolution, or section thereof as revised or amended.

Section 22. **Ordinances—Time of Taking Effect.** Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions providing for local improvements and assessments, and emergency measures, shall take effect at the time indicated therein. All other ordinances and resolutions enacted by the commission shall be in effect from and after thirty (30) days from the date of their passage. Ordinances proposed by qualified electors of said municipality as herein provided and duly adopted, shall take effect at the time fixed therein, or, if no time be specified, thirty days (30) after the adoption thereof. An emergency measure incorporated in any ordinance or resolution shall be defined to be an ordinance or resolution providing for the immediate preservation of the public peace, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least five members of the commission shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal, or extension of a franchise or amending a grant, renewal, or extension of a franchise or other special privilege, shall ever be passed as an emergency measure, nor shall the commission pass, adopt or make any ordinance, by-law, resolution or order which interferes with, limits, abridges, or abrogates any right, privilege, exemption or immunity enjoyed by labor or labor organizations under the Constitution and laws of the State of Montana.

When ordinance takes effect.

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Recording publication of ordinances.

Section 23. **Ordinances — Recording — Publication.** Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the mayor and clerk. Within ten (10) days after its passage each ordinance or resolution shall be published at least once in such manner as the commission may by ordinance provide.

Contracts.

Section 24. **Contracts for Supplies — Materials — Apparatus—Machinery.** All contracts for supplies, materials, apparatus or machinery of any kind for which must be paid a sum exceeding Five Hundred Dollars ($500.00), must be let to the lowest responsible bidder, and the commission shall prescribe rules and regulations governing the advertisement for bids and the letting of such contracts.

Assistants.

Section 25. **Number of Assistants.** The commission shall by ordinance fix and determine the number of assistants to be employed in or by any administrative department of the said municipality and the salary or compensation to be paid to the same. All such assistants shall be qualified electors of the municipality and appointment thereof shall be made only on the basis of ability, training and experience of the employee in the work to be performed. All such appointments shall be without definite term. The commission may authorize the Mayor to determine the number of such assistants for any of said departments or offices subject to the needs thereof and appropriations provided therefor. Nothing herein contained shall authorize the said commission to increase the number of deputies allowed by the general laws of the State of Montana to the officials of said municipality. The term assistants as used herein is not synonymous with the term deputies as used in this Act.

Supervisory powers of mayor.

Section 26. **Mayor—Supervisory Powers.** It shall be the duty of the Mayor to exercise general supervision and control over the affairs of the municipality and he shall observe the official conduct of all public officers and the manner in which they execute their duties, except elective officers.

It shall be his duty to see that the ordinances of the municipality and the laws of the state are enforced; to make such recommendations to the commission concern-

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ing the affairs of the municipality as may seem to him desirable; to keep the commission advised of the financial conditions and future needs of the municipality; to prepare and submit to the commission such reports as may be required by that body; and to perform such other duties as may be prescribed by this Act or be required of him by ordinances or resolutions of the commission.

The books, records and official papers of all departments, officers and persons in the employ of the municipality shall at all times be open to his inspection and examination. He shall appoint such officers, deputies, assistants, and employees as shall be authorized by the commission, except that the appointment of such deputies, assistants, and employees as may be allowed by law or by the commission as herein provided for to elective officers shall be made by such elective officers.

Section 27. **Body Politic and Corporate.** The inhabitants of the municipality organized under the provisions of this Act, as its limits are at the time of such organization or as they may thereafter be established as provided by law, shall be a body politic and corporate by name "City and County of Butte", and shall have perpetual succession; may use a corporate seal; may sue and be sued; may contract and be contracted with; may acquire property within or without the boundaries of the municipality for any municipal purpose in fee simple or lesser interest or estate, by purchase, gift, devise, appropriation, lease or lease with privilege to purchase, and may sell, lease, hold, manage and control such property as the interest of the municipality may require; and, except as otherwise provided in this Act, such municipality shall have and may exercise all other powers that now are or hereafter may be conferred on cities, towns and counties by the laws of this state and not in conflict with this Act. All powers of the municipality, whether expressed or implied, shall be exercised and enforced in the manner prescribed in this Act, or when not so prescribed, then as may be provided by ordinance or resolution of the commission and council.

Body politic and corporate.

Section 28. **Officers.** In addition to the elective offices provided for under Section 10 of this Act, there shall be a clerk of the municipality elected and officially known as the clerk of the municipality; an attorney of the municipality who shall be styled the City and County

Officers.

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Attorney; a treasurer of the municipality; a public administrator of the municipality; an assessor of the municipality; a clerk of the District Court; a sheriff of the municipality; a superintendent of schools of the municipality; a surveyor of the municipality; a judge of the municipal court; justices of the peace and constables, and there shall be a department of law, a police department, a department of public works, a department of health, a fire department, and such other offices or other departments as may be established by ordinance as hereinafter provided.

City Clerk.

Section 29. **Clerk.** The clerk shall be ex-officio recorder of the municipality and shall be the clerk of and keep the records of the commission and perform such other duties as may be required by this Act or by said commission; and he shall have all powers and shall perform all duties imposed by general law upon county clerks and recorders.

The clerk shall maintain in his office a list of all persons in the administrative service of the municipality, showing in connection with each name, the position held, the date of appointment, and the character of employment, and the rate of compensation. Each officer of the said municipality shall regularly transmit to the clerk all such information regarding his department or office as may be necessary to enable said clerk to keep said list accurate in all respects at all times.

He shall receive an annual salary of Three Thousand Dollars ($3,000.00), to be paid in equal monthly installments. He shall be allowed the same number of deputies as are allowed by law to county clerks of counties of like classification. He shall be a resident of the City and County of Butte for at least two (2) years next preceding his nomination and election.

Law Department.

Section 30. **Department of Law.** The Department of Law shall be in charge of the City and County Attorney, who shall be a resident elector of the City and County of Butte for at least two (2) years next preceding his nomination and election, at least twenty-five (25) years of age, a member of the bar of this state in good standing. He shall perform all of the duties that now are or hereafter may be prescribed for county attorneys and city attorneys. He shall investigate all cases of death

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by violence. He shall be the chief legal adviser of and the attorney and counsel for the municipality and of all departments and offices thereof and shall perform such other legal duties as may be required by the commission. In the performance of his duties he shall be allowed the same number of deputies as are allowed by law to county attorneys for counties of like classification. Said deputies shall be selected from qualified members of the bar of the City and County of Butte in good standing.

The City and County Attorney shall be elected by the people and shall hold office for the period of two (2) years and shall receive an annual salary of Four Thousand Dollars ($4,000.00), and all of such part of said Four Thousand Dollars ($4,000.00) in excess of the amount paid by the State of Montana shall be paid by the City and County of Butte.

Section 31. **Treasurer.** The Treasurer of the municipality shall perform the duties required of county and city treasurers by general law. All moneys received by any official or employee of the municipality for or in connection with the business of the municipality shall be paid promptly into the treasury. Treasurer.

The commission shall by ordinance provide for the prompt and regular payment of such money into the treasury and shall also, in the manner provided by law, designate the banking institution in which it shall be deposited.

The said Treasurer shall be a resident elector of the City and County of Butte for at least two (2) years next preceding his nomination and election. He shall be nominated and elected by the people and the term of his office shall be for two (2) years; provided that no person shall hold the office of treasurer for more than two (2) consecutive terms. His term of office shall commence on the first Monday in March following his election. He shall receive an annual salary of Three Thousand Dollars ($3,000.00), to be paid in equal monthly installments. He shall be allowed the same number of deputies as are allowed by law to county treasurers of counties of like classification.

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Public Administrator.

Section 32. **Public Administrator.** The Public Administrator of the municipality shall exercise all the powers and perform all the duties imposed upon public administrators by general law. The public administrator shall be a resident elector of the City and County of Butte for at least two (2) years next preceding his nomination and election. He shall be elected by the people and the term of his office shall be for two (2) years, and his fees and duties shall be as provided by general law.

Assessor.

Section 33. **Assessor.** The Assessor of the municipality shall be a resident elector of the City and County of Butte for at least two (2) years next preceding his nomination and election, and shall be elected every two (2) years at the general election. He shall receive an annual salary of Three Thousand Dollars ($3,000.00), payable in equal monthly installments.

He shall exercise the powers and perform the duties required of county assessors by general law, and such other duties as the said commission may prescribe.

He shall be allowed the same number of deputies as are allowed by law to county assessors of counties of like classification.

Sheriff.

Section 34. **Sheriff.** The Sheriff shall have and exercise all of the powers and duties now imposed upon or required of sheriffs by the general laws of the state. He shall be a resident elector of the City and County of Butte for at least two (2) years next preceding his nomination and election. He shall be elected by the people and the term of his office shall be for two (2) years. He shall appoint an undersheriff, and shall be allowed to appoint such number of deputies as the commission may deem necessary for the proper discharge of the duties of his office, but not exceeding ten (10) in all. He shall, when necessary or required by the orders of the commission, assign such deputies to act as jailors and court bailiffs. He shall be the custodian of the jail of said City and County, and shall receive and place therein all persons arrested by him or his deputies, and all persons arrested by the officers of the police department of said City and County. He shall receive an annual salary of Four Thousand Dollars ($4,000.00), payable in equal monthly installments.

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Section 35. **Superintendent of Schools.** The Superintendent of Schools of the municipality shall be a resident elector of the City and County of Butte for at least two (2) years next preceding his nomination and election, and shall have the qualifications required by law for county superintendents of schools, and shall be elected by the people, and shall hold office for two (2) years. He shall receive an annual salary of Two Thousand Four Hundred Dollars ($2,400.00), payable in equal monthly installments, and shall exercise all the powers and duties imposed upon the county superintendents of schools by the laws of the State of Montana.

Superintendent of Schools.

Section 36. **Municipal Court.** A Municipal Court is hereby established in and for the City and County of Butte, State of Montana, with the jurisdiction, powers and duties, within the municipality by general law provided for police courts in cities and towns.

Municipal Court.

No person shall be eligible to serve as a judge of said Court unless he is at least twenty-five (25) years of age, and he shall be a resident elector of the City and County of Butte for at least two (2) years next preceding his nomination and election, and he shall possess all other qualifications required by general law.

There shall be one Municipal Judge of said Court who shall be elected by the people and hold his office for the term of two (2) years; provided, however, that the person elected to the office of Municipal Judge at the election provided for by Section 8 of this Act shall hold his office until the first Monday in January, 1933, and his term of office shall expire on such day. He shall receive an annual salary of Two Thousand Five Hundred Dollars ($2,500.00), payable in equal monthly installments.

Nothing herein contained shall be construed as in anywise interfering with the existence, election, powers or duties of Justices of the Peace as provided by general laws of the state.

Section 37. **Townships—Justices of the Peace—Constables.** The City and County of Butte shall be divided into two townships in which Justices of the Peace and Constables shall be elected in accordance with the general election laws of the state. When the sheriff is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the

Townships. Justice of the Peace.

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Constable.

sheriff to execute, must be executed by a Constable of a township or the Chief of Police of the municipality.

Clerk of District Court.

Section 38. **Clerk of the District Court.** The Clerk of the District Court of the Second Judicial District of the State of Montana, in and for the City and County of Butte, shall be a resident elector of the City and County of Butte for at least two (2) years next preceding his nomination and election, and shall be elected by the people and hold his office for a term of four (4) years. He shall receive an annual salary of Three Thousand Dollars ($3,000.00), payable in equal monthly installments. He shall perform the duties of clerks of district courts by general law. He shall be allowed the same number of deputies as are allowed by law to clerks of district courts of counties of like classification.

Chief of Police.

Section 39. **Police Department.** There shall be a Chief of Police of the municipality, who shall be Chief of the police force thereof and shall also have the powers and perform the duties prescribed for police officers by the general laws of the state. Officers and patrolmen of the police department subordinate to the Chief shall have the powers and perform the duties conferred on and required of policemen in cities and towns by the laws of the state, together with such other powers and duties as may be conferred by the ordinances of the City and County of Butte, and said officers and patrolmen of such department shall also exercise the powers and perform the duties by law conferred upon and required of deputy sheriffs.

The provisions of the Metropolitan Police Law of the State shall be in full force and effect under this Act. The present officers and members of the Police Department of the City of Butte, shall on and after the approval of this Act, constitute the officers and members of the Police Department of the City and County of Butte.

The number of officers and patrolmen subordinate to the Chief shall be fixed by the commission and appointed by the Mayor, subject to confirmation by the commission. The Mayor shall at all times be head of and in control of the police force of said municipality.

Department of Public Works and Improvements.

Section 40. **Department of Public Works and Improvements.** There shall be created a department of public works and improvements in charge of the surveyor of the

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municipality who shall possess the qualifications prescribed by the general laws of the state for county surveyors and in addition to the duties required by this Act and by the ordinances of the municipality, he shall have the powers, and either in person or by a deputy, possessing the qualifications prescribed by general law for county surveyors, perform the duties required of county surveyors by the laws of the State of Montana.

He shall manage and have charge of the construction, repair, improvement and maintenance of all public buildings, of roads, streets, alleys, sidewalks, bridges, viaducts and other public ways; of sewers, drains, ditches, culverts, streams and water courses; and of boulevards, parks, playgrounds, cemeteries, and other public places and grounds dedicated to public use. He shall manage and control all public cemeteries, crematories, market places or houses, garbage and sewage disposal plants and farms and all public utilities belonging to the municipality or any subdivision thereof, and shall have charge of the enforcement of the obligations to the municipality of all privately owned or operated public utilities enforceable by the municipality. He shall have charge of the cleaning, sprinkling and lighting of the streets and the collection and disposal of garbage and waste. He shall also be responsible for the making and preservation of all surveys, maps, plans, drawings and estimates for such public work, and for the preservation of contracts, papers, plans, tools and appliances belonging to the municipality and pertaining to the functions of the department.

Any local work may be done or any local public works or improvements may be constructed, reconstructed, repaired, maintained or operated either by contract or directly by the municipality as may be determined by the commission and provided further that such work shall be performed by local labor. Before authorizing that any local public works or improvements be directly constructed, reconstructed, repaired, maintained or operated, detailed plans and estimates for each such work or improvements shall be submitted to the Commission by the Mayor, and there shall be separate accounting for each work or improvement so executed.

He shall have no power or authority to incur any indebtedness on the part of said municipality without the

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order or approval of the said Mayor and Commission having been first had and obtained. He shall be a resident elector of the City and County of Butte for at least two (2) years next preceding his nomination and election. He shall, in all things required of him under this section, be under the supervision of the Mayor and Commission. He shall receive a sum of Three Thousand Six Hundred Dollars ($3,600.00) per year, payable monthly.

Department of Health.

Section 41. **Department of Health.** The department of health of said municipality shall, subject to the supervision of said Commission, be under the management and control of a physician legally authorized to practice medicine and surgery in the State of Montana, and he shall be a resident elector of the City and County of Butte for at least two (2) years next preceding the date of his appointment by said Mayor and confirmation by the Commission. He shall be known as the director of the department of health, and shall exercise the powers and perform the duties conferred on and required of coroners and county health officers by the general laws of the state, except that he shall hold no inquests. He shall also have such other powers and perform such other duties as may be prescribed by ordinance. He shall not receive any fees allowed coroners by law or at all, but he shall be paid such annual compensation as shall be fixed by the Commission, not exceeding Four Thousand Dollars ($4,000.00).

The commission shall possess the powers granted and perform the duties imposed upon county boards of health under the general laws of the state and shall comply particularly with and enforce the provisions of Sections 2466, 2467, 2468, 2469, 2471, 2472, 2477, 2478, 2479, 2480, 2482, and 2483 of the Revised Codes of Montana of 1921. The said commission, acting as said board of health, is hereby granted the powers conferred upon county and city boards of health under the provisions of the general laws of the state, and shall enforce the provisions thereof.

Fire Department.

Section 42. **Fire Department.** The fire department of the municipality, subject to the general supervision and control of the Mayor, shall be in charge of a Chief, who shall manage and control the department in the manner prescribed by the ordinances of the City and County of Butte and the laws of the State of Montana, except as hereinafter otherwise provided.

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The officers and members of the fire department of the City of Butte shall, on and after the approval of this Act and the election and qualification of the officers hereunder, be and constitute the officers and members of the fire department of the municipality. They and all persons thereafter appointed to the said fire department shall hold their positions during good behavior and until they attain the maximum age limit fixed by other ordinances of the City and County of Butte.

Chief.

The Chief of the fire department, subject to the general supervision of the Mayor, shall have sole command and control over all persons connected with the fire department and shall possess full power and authority over its organization and government, and shall have charge of and be responsible for all apparatus furnished or used by the fire department, and shall see that such apparatus is at all times maintained in good order and ready for use in extinguishing fires.

Assistant Chief.

The Assistant Chief of the fire department shall aid the Chief in the work thereof, and shall perform the duties of the Chief in his absence.

Disability and pension fund.

The disability and pension fund of the fire department relief association of the City of Butte shall, upon the adoption of this Act, be continued as the disability and pension fund of said relief association of the City and County of Butte. The board of directors of said fund shall comprise the president of said relief association, the Chief of the fire department, if an active member of the association, who shall be ex-officio members thereof; and five (5) members to be elected by the members of such association at the annual election of each year to be held on the 15th day of April.

Such funds shall be administered in the manner prescribed by the provisions of Chapter 58 of the Session Laws of the Legislative Assembly of the State of Montana, Twentieth Session, 1927, and acts amendatory thereof; also, the provisions of Section 5138 of the Revised Codes of Montana of 1921, as amended by the provisions of Chapter 135 of the Session Laws of the Legislative Assembly of the State of Montana, Twentieth Session, 1927.

Firemen.

The commission shall have the power to increase or reduce the number of firemen in active service when in its judgment the necessities of the situation require such

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increase or reduction. In case of reduction those most recently appointed shall be selected for retirement and the clerk shall keep a list of such retired firemen, and should the number of firemen be again increased by the commission, the firemen on said list shall be called into service in the direct order of their former length of service.

Term of duty.

No fireman, or member, or employee of the fire department of the municipality shall be required to be on continuous duty to exceed fourteen (14) hours of each twenty-four (24) hour day, save and except the Chief of said department, who shall be subject to call at any time; provided, that the Chief or Assistant Chief or a Captain of the fire department may in his discretion, in cases of necessity, recall to service any member or employee of the fire department then off duty.

Fire ordinances.

The commission shall have power to enact all proper and necessary ordinances for the control of said fire department, and to establish and promulgate rules and regulations governing the employment and discipline of the members or employees thereof not inconsistent with this Act.

The said fire department shall consist of one Chief of the fire department and as many Assistant Chiefs and such number of firemen as the commission may from time to time provide; and may also include an electrician and as many assistant electricians as the commission may from time to time provide.

Compensation.

The compensation of the Chief of the fire department and Assistant Chiefs of the fire department and firemen of the municipality and of said electrician and assistant electricians, if any, shall be fixed by ordinance of the commission.

Nominated by Mayor.

The Mayor shall nominate and with the consent of the commission appoint the Chief of the fire department, an Assistant Chief or Chiefs and all firemen thereof; and such appointments shall be first made for a probationary term of six (6) months and thereafter the Mayor may nominate and with the consent of the commission appoint such chief or assistant chief or chiefs of the fire department and firemen, who shall thereafter hold their appointment during good behavior and while they have the physical ability to perform their duties and until they become disqualified as hereinafter provided.

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The commission shall when necessary and practical erect, purchase, or otherwise acquire buildings for use as fire stations in congested districts of the City and County of Butte and shall have power to purchase engines, hose, trucks and other implements and apparatus for the extinguishment of fires.

Buildings for Fire Department.

Any person appointed to the fire department after the adoption of this Act shall be of good moral character and shall be not less than twenty-one (21) years of age nor more than thirty (30) years of age, and shall have been prior to his appointment a citizen of the United States at least two (2) years, and a resident of the municipality at least five (5) years, and he must be able to speak and write the English language.

Qualifications.

The appointment of persons to fill vacancies in the fire department shall be on the basis of merit only, determined by a public competitive examination held by three (3) competent examiners who shall be named by said commission; provided, however, that an examination to fill a vacancy in the office of Chief of the fire department shall be confined to the assistant chief, the captain and members of the fire department; and examination to fill a vacancy in the office of assistant chief in the fire department shall be confined to the captains and members of the fire department; and an examination to fill a vacancy in the office of captain of the fire department shall be confined to members of the fire department. Such examinations must include mental and physical tests, and shall be conducted according to rules and regulations promulgated by ordinance duly enacted by the said commission.

Examinations.

The commission shall by ordinance provide for the suspension, trial and removal of firemen and officers of the fire department in all proper cases, which ordinances shall not conflict with the general laws of the State of Montana.

Section 43. **Budget Board—Powers and Duties.** There shall be a budget board which shall consist of the Mayor, City and County Attorney and the Clerk, and the Clerk shall act as the Clerk of such county budget board.

Budget Board.

Powers and duties.

All of the provisions of Chapter 148, Session Laws of the Twenty-first Legislative Assembly of 1929, generally known and designated as the "County Budget Law" shall

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apply to the City and County of Butte; provided, however, that the estimates required by Section 1 of said County Budget Act to be filed with the county clerk shall be filed with the budget board.

Such budget board shall exercise and perform all the powers and duties now or hereafter imposed or required of the county clerk by such Budget Act, and shall have, exercise and perform all the powers and duties now or hereafter imposed by such Act upon boards of county commissioners in connection with the preparation, hearings on and adoption of preliminary, final and emergency budgets.

Such budget board shall also have, exercise and perform all of the powers and duties now or hereafter imposed by law upon the county auditor, and also all the powers and duties prescribed by Section 4521 of the Revised Codes of Montana of 1921 for county commissioners.

Fiscal year.

Section 44. **Fiscal Year.** The fiscal year for the City and County of Butte commences on the first day of July of each year and ends on the last day of June of each year.

Elections.

Powers and duties of officers.

Section 45. **Elections—Powers and Duties of Officers.** For any election held on the question of the adoption of this Act, and for the first election of members of the commission and officers thereunder, if adopted, the county clerk and board of county commissioners shall exercise the powers and perform the duties respecting elections prescribed for county clerks and boards of county commissioners. After the adoption of this Act by the electors of the county, and the election and qualification of the commission and officers hereunder, the duties concerning elections shall be performed by the clerk and the commission of the City and County of Butte, and shall be conducted in accordance with the general election laws of the State of Montana.

When act becomes effective.

Section 46. **When Act Becomes Effective, if Adopted.** If, when submitted to the electors of the county, the adoption of this Act be approved by a majority of those voting on the question, it shall be deemed adopted and for the purpose of nominating and electing members of the commission or other officers this Act shall be in effect from and after the election at which adopted, and in all other respects it shall be in effect on the first Monday

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immediately following the completion of the canvass of the election of a commission and other officers hereunder.

Property and assets on adoption of act.

Section 47. **Property and Assets on Adoption of Act.** Upon the adoption of this Act by the voters of the county and the election and qualification of a commission and officers thereunder as in this Act provided, but not otherwise, the separate corporate existence and government of Silver Bow County and of each and every city and town therein shall be deemed consolidated and merged into the municipality established by this Act, which shall succeed to, possess and own all the property and assets and shall, save as herein otherwise provided, become responsible for all the obligations and liabilities of the county, cities and towns as consolidated and merged.

When old offices terminate.

Section 48. **Officers of County and Cities on Adoption of Act.** The officers and members of the Board of County Commissioners of Silver Bow County and the officers and members of the councils of all cities in said county holding office at the times whereon the special elections provided for in this Act shall be held, shall continue in office and in the discharge of their duties until the organization of the commission of the City and County of Butte on the first Monday following the completion of the canvass of the votes cast at the special elections provided for in this Act and upon the organization of such commission on said date the terms of office of the members of the Board of County Commissioners of Silver Bow County and of all elective and appointive officers of said county and the terms of office of the members of said councils of all cities in said county and of all appointive and elective officers of said cities, except members of the police force and fire department of the City of Butte, and the terms of office of all township officers, shall cease and terminate; provided, however, that the several persons holding the offices of county attorney, county clerk, clerk of the district court, sheriff, assessor, treasurer, superintendent of schools, public administrator and county surveyor of said Silver Bow County on the date of the organization of such commission shall until the expiration of the terms of office for which they were elected perform and discharge the duties imposed by this Act respectively upon the city and county attorney, clerk, clerk of the district court, sheriff, assessor, treasurer,

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superintendent of schools, public administrator and county surveyor of the City and County of Butte, and the persons holding the offices of justices of the peace and constables in the several townships of Silver Bow County shall continue to hold such offices as justices of the peace and constables of their respective townships until the expiration of the terms of office for which they were elected. The county commissioners, the auditor and the coroner shall be employed by the commission for the unexpired terms for which they were elected at such salary and in the performance of such duties as the commission may determine and assign to them and for which they are best fitted; provided, however, that such employment and salary shall cease in the case of any of them whenever he is elected or appointed to any salaried public office or position, and provided further that the commission shall have the power to discharge any of them for failure to properly perform such duties.

Appraisal of property.

Section 49. **Property of Consolidated City and County —Appointment of Appraisers.** The City and County of Butte shall immediately, upon the adoption of this Act by the electors thereof, and the election and qualification of a commission thereunder, as in this Act provided, but not otherwise, succeed to, possess, and own all the property of the County of Silver Bow, all the property of the City of Butte, and all the property of the City of Walkerville, including choses in action; but as soon thereafter as may be possible, the commission must, through the city and county attorney, petition the district court of said county to appoint three (3) appraisers to fix the value of said property. Upon the filing of said petition the said court shall appoint three (3) competent persons, resident in the county, as appraisers to ascertain and determine the value of said property, and shall specify the time and place of the first meeting of such appraisers. The word "property" or "properties" as used herein shall not for purposes of appraisement or compensation include streets, alleys, roads, public parks, playgrounds or sewers.

Qualification, compensation and expenses of appraisers.

Section 50. **Qualification of Appraisers — Compensation and Expenses.** The appraisers must, before entering upon their duties, severally take and subscribe an oath before some person qualified to administer oaths, to faithfully, honestly and impartially discharge the

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duties of their appointment and shall receive the sum of Ten Dollars ($10.00) each, payable out of the municipal treasury, for every day actually and necessarily employed in such appraisal, and the expenses actually and necessarily incurred by the appraisers in making such appraisal shall also be paid out of the municipal treasury.

Report of appraisers.

Section 51. **Report of Appraisers.** Within twenty (20) days after qualifying the appraisers must file a verified report showing separately the value of all the property of the City of Butte and the value of all the property of the County of Silver Bow and the value of all the property of the City of Walkerville to which the City and County of Butte succeeded and became entitled by virtue of the adoption of this Act.

Objections to appraisements.

Section 52. **Objection to Appraisement — District Court.** Any taxpayer of the municipality may within five (5) days after the report is filed, object to the same on the ground that the appraisement as made is too high or too low, or that property which should have been appraised is not included in the property appraised, or that property included in the property appraised did not belong either to the City of Butte, or the City of Walkerville or the County of Silver Bow. The district court must within fifteen (15) days after the report is filed, hear the testimony of witnesses concerning the correctness thereof, and following such hearing may, in its discretion, confirm or reject the same; if the court rejects the report it shall, itself, from the facts in its possession, make an appraisal of all of the property which belonged to the City of Butte, to the City of Walkerville, and the County of Silver Bow, up to the time of the adoption of this Act, except as hereinbefore set forth, and render its judgment accordingly; and the action of the court in that behalf shall be deemed final, except in case of manifest error or abuse of discretion. When the report of the appraisers is confirmed by the court, or when the court itself shall have made the appraisement, the City and County of Butte shall be responsible for the payment of so much of the indebtedness of the present City of Butte as equals the appraised value of the property owned by it at the adoption of this Act, and shall be responsible for the payment of so much of the indebtedness of the City of Walkerville as equals the appraised value of the property owned by it at said time, and the

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indebtedness of the City of Butte and the indebtedness of the City of Walkerville shall be reduced to the extent of the appraised value of the property held and owned by them respectively at said time. Thereafter, and on the second Monday in August of each year the commission shall levy upon the property in the district comprised within the present boundaries of the City of Butte, a tax, in addition to all other taxes, for the purpose of paying the interest on the then existing indebtedness of the city as it falls due, and the indebtedness itself as it matures, and no other property within the county shall be taxable or made liable for the payment of such indebtedness or the interest thereon; the proceeds of such tax levy shall be kept in a separate fund and shall be used only for the purpose for which the levy was made, except as hereinafter provided. And on the said second Monday in August of each year the said commission shall levy upon the property within the district comprised within the boundaries of the City of Walkerville, a tax, in addition to all other taxes, for the purpose of paying the interest on the indebtedness of said city as it falls due and the indebtedness itself as it matures, and no other property within the county shall be taxable or made liable for the payment of such indebtedness or the interest thereon; the proceeds of such tax levy shall be kept in a separate fund and shall be used only for the purpose for which the levy was made, except as hereinafter provided. The taxes levied under the provisions of this section shall be collected and paid in the manner at the time and under the penalties prescribed by law for the collection and payment of state and county taxes.

Public Library.

Section 53. **Butte Free Public Library.** There having been granted and donated to the City of Butte certain moneys to be used for the establishment, maintenance and support of a free public library and the City of Butte having by ordinance accepted such grant and donation, with all of the conditions attached thereto, now if this Act be adopted and the City and County of Butte, as successor to said City of Butte, becomes the owner of the property used, occupied by and belonging to said City of Butte as such public library, it will become the owner of the same, subject to and with all of the conditions attached to such grant and donation remaining in full force and effect, and all of the provisions of Section 4998, Revised Codes of Montana of 1921, shall apply to

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and govern such library and the commission shall have the power and it shall be the duty to levy annually such taxes as may be necessary for the maintenance and support of such library, as authorized by Section 5049, Revised Codes of Montana of 1921.

Section 54. **Ordinances of City of Butte Continued in Force.** All existing ordinances and resolutions of the City of Butte of general application therein and not inconsistent with the provisions of this Act, shall, upon the election and qualification of a commission under this Act, be continued in force and their application extended throughout the City and County of Butte until amended or repealed by the commission. All other ordinances and resolutions of the City of Butte and of any city or town within the county, except ordinances and resolutions relating to public improvements to be paid for in whole or in part by special assessments, shall, upon the election and qualification of a commission under this Act, be deemed repealed.

City ordinances in force.

Section 55. **Commission—Rules Concerning Transition of Government.** The commission shall have power to make all necessary regulations, not inconsistent with this Act, for the transition from the several governments of and within the county to the government provided by this Act, including the transfer to the treasury of the City and County of Butte of all funds and moneys of such several governments.

Transition of government.

Section 56. **Fees of Officers.** The salaries of all officers of the municipality are as prescribed in this Act. No officer of the municipality, except as otherwise provided by the general laws of the state, must receive for his own use any fees, penalties or emoluments for any official service rendered by him, but all fees, penalties or emoluments of every kind must be collected by him for the sole use of the municipality and are public moneys belonging to the municipality and must be accounted for and paid into the municipal treasury as provided by the general laws of the state, and the municipal treasurer must place all such fees in the general fund of the municipality. The fees to be collected by all officers of the municipality, except as otherwise herein provided, or as provided by ordinance, shall be such fees as are now provided by the general laws of the state for similar service by county officers.

Fees of officers.

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Contracts in force.

Section 57. **Contracts Continue in Force.** All contracts entered into by the County of Silver Bow or by any city or town therein, or on behalf of any improvement district by such county or by any such city or town, prior to the election and qualification of a commission under this Act, shall continue in full force and effect subsequently thereto. Public improvements, for which initial steps may have been taken under the laws in effect at the time of the consolidation under this Act, may thereafter be carried to completion in accordance with the provisions of such laws.

Limit of indebtedness.

Section 58. **Limit of Indebtedness.** The City and County of Butte shall not become indebted in any manner, or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding five per centum (5%) of the value of the taxable property therein as ascertained by the last assessment for state and county taxes prior to incurring such indebtedness, and all bonds or obligations in excess of such amount given by or on behalf of the municipality shall be void.

Power to borrow money.

Section 59. **Power to Borrow Money.** The City and County of Butte may borrow money for any municipal purpose in the manner provided by the Constitution and laws of Montana for the borrowing of money by counties, but the total indebtedness which said city or county may incur for all purposes shall not exceed in the aggregate five per centum (5%) of the value of the taxable property therein to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness. Any debt of the county or any district thereof, outstanding at the beginning of the first fiscal year after the adoption of this Act by the electors of the county may be funded, or refunded, without submitting the question of doing so to an election, by the issuance of bonds for such period, or periods, not exceeding twenty (20) years, as the commission may authorize, and thereafter the debt so funded or refunded, and any debt subsequently incurred, shall be paid as it becomes due.

Section 60. **Special Improvement Districts.** All the laws of the state governing the creation of special improvement districts and the making of improvements therein and the levying of assessments therein; the con-

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struction of sidewalks and curbs without the creation of special improvement districts and the levying of special assessments to defray the cost thereof; the creation of special lighting districts, the maintenance and operation thereof and the levying of special assessments therein; and the creation of sprinkling districts and the levying of special assessments therein shall apply and be applicable to the City and County of Butte and the commission of the City and County of Butte, the clerk thereof and the treasurer thereof shall have, exercise and perform all the powers and duties granted to or imposed by such laws respectively on city councils, city clerks and city treasurers.

Special improvement districts.

Section 61. **Districts for Special Services.** The commission may by ordinance designate clearly specified districts in or for which special services are to be performed and may levy upon the property in any such district such tax as may be necessary to defray the cost of the same. The commission shall prescribe by ordinance the manner in which said special districts are to be created and the special taxes levied and such ordinance shall provide for notice to property owners within such districts and an opportunity to be heard and the right to protest against the creation of such districts before the creation of the same.

Districts for special services.

Section 62. **Initiative and Referendum.** The general laws of the State of Montana, relating to the initiative and referendum in cities and towns, shall apply to the City and County of Butte.

Initiative and referendum.

Section 63. **Board of Equalization.** The commission shall constitute the Board of Equalization for the City and County of Butte, and shall have, exercise and perform all powers and duties imposed upon or required of county Boards of Equalization by the general laws of the state. Except as otherwise provided in this Act, the commission shall have and exercise all powers and perform all duties prescribed for boards of county commissioners and city councils by the laws of this State. They shall receive a per diem of Ten Dollars ($10.00) per day while sitting as such Board of Equalization.

Equalization Board.

Section 64. **General Election—Terms of Office.** The Mayor, Commissioners and all elective officers of the City and County of Butte shall be elected at a general

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General election and terms of office.

election to be held on the Tuesday following the first Monday in November in each even numbered year, and all nominations and elections for Mayor, Commissioner and elective officers shall be conducted in accordance with the primary nominating laws and the general election laws of the state governing the nomination and election of county officers. The terms of office of the Mayor, Commissioners and Officers, except treasurer, elected at any general election shall commence on the first Monday in January following their election.

Existing indebtedness.

Section 65. **Existing Indebtedness.** The district comprised within the boundaries of any city, town or district or improvement district existing within the county at the time of the adoption of this Act by the electors thereof, shall for the purposes of paying the interest and principal of any debt incurred by such city, town, or district prior to such adoption, be continued as a special district until such debt shall have been paid, and the commission shall, in the annual tax levy resolution, levy upon the property within each such district such tax or special assessment, in addition to all other taxes and special assessments, as the budget board shall report to be necessary for paying the interest on each such debt as it falls due and the principal thereof as it matures, and no other property within the municipality shall be taxable or made liable for the payment of any such debt. The commission shall likewise provide in the annual tax levy resolution for the levy of such tax upon all property within the municipality as the budget board shall report to be necessary to provide for paying the interest as it falls due and the principal as it matures of any debt of the municipality as a whole. The tax levy for the debt of the municipality as a whole, and the tax levy for the debt of each such district shall each be a separate levy and shall be distinct from and in addition to all other tax levies, and the proceeds of each such tax levy shall be placed in a separate fund for the payment of the interest and principal of the debt for which the tax was levied.

Any tax levied for a revolving fund as authorized by Chapter 24, Session Laws of 1929, Twenty-first Legislative Session, for the benefit of improvement districts created after the enactment of said Chapter and before the adoption of this Act, shall be levied against property

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within the limits of the City of Butte as existing at the time of the adoption of this Act and against no other property.

Section 66. **Levy of Taxes.** The City and County of Butte shall have the power and authority to levy taxes for any and all purposes for which Cities and Counties may levy taxes under the general laws of the state, and the limitations fixed by such general laws on such tax levies for such purposes shall apply thereto; provided, however, that the limitation fixed by sub-division 13 of Section 4465, Revised Codes of Montana of 1921, as amended, shall not apply to the tax levy which may be made to defray the current expenses and salaries of such city and county.

Levy of taxes.

Section 67. **Franchises — Continuance Thereof.** All franchises heretofore granted by any city or town within the confines of Silver Bow County for the use and occupancy of the streets and alleys of such city or town, shall continue in full force and effect throughout the life thereof as a franchise granted by the City and County of Butte.

Franchises, continuance thereof.

Section 68. **Invalidity.** The finding of the invalidity of any provisions of this Act shall not be deemed to invalidate the remaining provisions thereof.

Section 69. **Repeal.** All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 70. **Date Act Takes Effect.** This Act shall be in full force and effect from and after its passage and approval.

Approved January 26, 1931.

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CHAPTER 3.

An Act to Amend Section 4974 Revised Codes of Montana 1921, Providing for the Disincorporation of a City or Town and Providing for the Proceedings Relative Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4974 of the Revised Codes of Montana 1921, be, and the same is hereby amended to read as follows:

Section 4974. **Disincorporation of City or Town—Proceeding.** Whenever it appears by such census that a city or town has a population of less than five hundred (500) inhabitants, the corporate existence of such city or town under this code relative to cities and towns, may be discontinued, upon the filing of a petition requesting that such corporate existence be discontinued, signed by at least two-thirds (2/3) of the resident freeholders of said city or town, as certified to by the county clerk and recorder of the county in which said city or town is situated, with the board of county commissioners of said county. Upon the filing of said petition as above provided, with the board of county commissioners, the said board must declare by resolution, that the incorporation thereof be discontinued, and must provide for the payment of the indebtedness of the same, and thereafter annually levy a tax on all the property situated within the limits of such city or town until all of such indebtedness is paid. The books, documents, records, papers and seal of such city or town must be deposited with the county clerk for safe-keeping and reference, and the records of the police judge or police court must be deposited with one of the justices of the peace of the township in which such city or town is situated, who has power to execute and complete all unfinished business of such police judge or court.

Resolution of County Commissioners and provision for indebtedness.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 2, 1931.

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CHAPTER 4.

An Act to Provide for the Adjustment of Claims for Taxes Levied Prior to 1919, and to Authorize the Transfer From One to the Other of Tax Certificates and Tax Titles to Property Obtained by Sales for Delinquent Taxes as Between the Counties of Teton, Glacier and Pondera, and to Validate Titles so Obtained.

Be it enacted by the Legislative Assembly of the State of Montana:

Transfer of property.

Section 1. The several boards of county commissioners of Glacier County, Pondera County and Teton County, municipal subdivisions of the State of Montana, are hereby authorized and empowered to for and on behalf of their several counties release and relinquish all claims to and, by sufficient deed and transfer, transfer to the counties wherein such property is now located all right, title and interest of their respective counties in and to lands and property lying in counties other than their own to which their individual counties have heretofore obtained tax sale certificates or title by sale of said property for delinquent taxes.

Delinquent taxes.

Section 2. To accomplish this adjustment the commissioners of Glacier County are hereby authorized and directed to release to Teton County and Pondera County any right, title or interest in and to any delinquent taxes due upon lands which are now situate in Pondera County, or in Teton County, on which taxes were delinquent prior to 1919 and upon which lands Teton County holds tax sale certificate or deeds, and the commissioners of Pondera County are hereby authorized and directed to release to Glacier County and Teton County all right, title and interest in and to any delinquent taxes upon lands in Teton County and Glacier County which taxes became delinquent on said lands prior to 1919, and upon which lands Teton County holds tax sale certificates or deeds; and the commissioners of Teton County are authorized and directed to release to Pondera County and Glacier County any interest in and to any delinquent taxes which taxes became delinquent prior to the year 1919 upon lands now situate in Glacier County or Pondera County, and upon or to which Teton County has tax sale certificates, or deeds, or tax sale title.

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Tax sale certificates and titles.

Section 3. The county commissioners of Teton County are further authorized and directed to assign to Pondera County all tax sale certificates, and furnish assignments or deeds to transfer all tax sale titles which Teton County now holds upon or to lands which are now situated within the boundaries of Pondera County and which tax sale certificates or deeds were issued for delinquent taxes prior to the year 1919, and also the County Commissioners of Glacier County are authorized and directed to assign to Pondera County all tax sale certificates or furnish assignments or deeds to transfer all tax sale titles which Glacier County now holds upon or to lands which are now situated within the boundaries of Pondera County and which tax sale certificates were issued for delinquent taxes prior to the year 1919.

Section 4. All transfers and assignments made by the several county commissioners of Teton County, Pondera County and Glacier County, pursuant to the authority given in this Act, shall be held to convey all of the right, title, interest and property of the granting county to the grantee county thereto.

Section 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved February 4, 1931.

CHAPTER 5.

An Act to Amend Section 453 of the Revised Codes of Montana, of 1921, Relating to Office Hours.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 453 of the Revised Codes of Montana, of 1921, be, and the same is hereby amended to read as follows:

Office hours.

Section 453. **Office Hours.** Unless otherwise provided by law every officer must keep his office open for the transaction of business continuously from nine o'clock a. m. until five o'clock p. m. each day, and at other times

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when the accommodation of the public or the proper transaction of business requires, excepting upon holidays, excepting the State Treasurer, who in his discretion may in the interest of the safe keeping of funds, securities and records under his control, close his office during the period from twelve o'clock noon to one o'clock p. m. every day.

Exemption for Treasurer.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 4, 1931.

CHAPTER 6.

An Act to Amend Sections 2382 and 2383 of the Revised Codes of Montana of 1921, as Amended by Chapter 150 of the Laws of 1923 and by Chapter 186 of the Laws of 1925 and by Initiative Measure No. 31, Laws of 1927; and Also to Amend Sections 2 and 3, Chapter 19 of the Laws of 1927; Being Sections 2396.2 and 2396.3 Respectively, of the Supplement to the Revised Codes of Montana 1923-1927, as Amended by Chapter 92 of the Laws of 1929, Requiring All Persons, Copartnerships, Firms, Associations, Joint Stock Companies, Syndicates and Corporations Engaged In, or Carrying On, the Business in This State of Selling, Handling, or Using Gasoline, to Pay to the State Board of Equalization Certain License Taxes for Engaging In, and Carrying On Such Business in This State; Fixing the Amount of Such License Taxes and Providing a Method for the Assessment and Collection Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2382 of the Revised Codes of Montana of 1921, as amended by Chapter 150 of the Laws of 1923, and by Chapter 186 of the Laws of 1925 and by Initiative Measure No. 31, Laws of 1927, and by Chapter 19 of the Laws of 1927, as amended by Chapter 92 of the Laws of 1929, be, and the same is hereby amended to read as follows:

"Section 2382. Every distributor shall pay for the year beginning April 1, 1931, and ending March 31, 1932, and each year thereafter until March 31, 1941, to the

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Distributor's tax.

State Board of Equalization a license tax for engaging in and carrying on such business in this state in an amount equal to five cents (5c), and for each year after March 31, 1941, three cents (3c) for each gallon of gasoline refined, manufactured, produced or impounded by such distributor and sold by him in this state, or shipped, transported, or imported by such distributor into and distributed and sold by him within this state, after it has arrived in and is brought to rest within this state, whether sold in the original packages or in the broken packages during such year, provided that all gasoline delivered by any distributor to any of his service stations in this state shall be deemed to have been sold and shall be treated and considered in computing such license tax in the same manner as though the same had been sold to dealers or to other persons. In making the computation of license tax due and in making payment thereof, two per centum (2%) of the amount of such tax shall be deducted by the distributor as an allowance for evaporation and other loss of gasoline handled by such distributor."

Deduction for evaporation.

Section 2. That Section 2383 of the Revised Codes of Montana of 1921, as amended by Chapter 150 of the Laws of 1923 and by Chapter 186 of the Laws of 1925 and by Initiative Measure No. 31, Laws of 1927, and by Chapter 19 of the Laws of 1927, as amended by Chapter 92 of the Laws of 1929, be, and the same is hereby amended to read as follows:

"Section 2383. Every dealer shall, for the year beginning April 1, 1931, and ending March 31, 1932, and each year thereafter until March 31, 1941, when engaged in such business in this state, pay to the State Board of Equalization for the exclusive use and benefit of the State of Montana a license tax for engaging in such business in this state equal to five cents (5c), and for each year after March 31, 1941, three cents (3c) for each gallon of gasoline sold or distributed by such dealer in this state during such year, provided, however, that no gasoline sold by such dealer, which was purchased by him from a producer or distributor, who has paid the tax thereon, shall be included or considered in determining the amount of such license tax to be paid by such dealer, but only such gasoline as was shipped, transported or imported into this state and purchased by such dealer before it had arrived in and was brought to rest within this state

Dealers' tax.

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and then re-sold by such dealer, whether in the original packages or in broken packages, shall be included or considered for the purpose of computing such license tax. In making the computation of license tax due, two per centum (2%) of the amount of such tax shall be deducted as an allowance for evaporation and other loss of gasoline handled by such dealer."

Deduction for evaporation.

Section 3. That Section 2 of Chapter 19 of the Laws of 1927, the same being Section 2396.2 of the Supplement of the Revised Codes of Montana, 1923-1927, as amended by Chapter 92 of the Laws of 1929, be, and the same is hereby amended to read as follows:

"Section 2. **Gasoline Dealers' License Tax.** Every dealer shall pay to the State Board of Equalization a license tax for engaging in and carrying on such business in this state in an amount equal to five cents (5c) less the deduction hereinafter provided, for each gallon of gasoline handled by him in this state while engaging in such business, as hereinbefore defined for the time beginning April 1, 1931, and ending March 31, 1941, and thereafter three cents (3c) less the deduction hereinafter provided, for each gallon of gasoline so handled; provided, that all gasoline delivered or distributed by any dealer or to any of his service stations in this state, or to his or to any other motor vehicles operated or intended to be operated on or over the public roads or highways in this state, or delivered or distributed in any other manner, shall be deemed to have been handled while engaged in such business as dealer, as hereinbefore defined, and shall be treated and considered in computing such license tax in the same manner as though the same had been delivered or distributed to dealers or other persons; provided, further, that nothing herein contained shall impose any license tax, or require the payment of more than five cents (5c) prior to April 1, 1941, and three cents (3c) thereafter, per gallon as license tax upon any gasoline handled within the State of Montana, nor upon any such gasoline after having once been included in the computing of such license tax hereunder; and provided, further, that no such license tax shall be paid by any dealer on account of any gasoline moving in or account of sale of gasoline constituting interstate or foreign commerce.

Gasoline dealers' license tax.

Proviso.

Proviso.

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Section 4. That Section 3 of Chapter 19 of the Laws of 1927, the same being Section 2396.3 of the Supplement of the Revised Codes of Montana, 1923-1927, as amended by Chapter 92 of the Laws of 1929, be, and the same is hereby amended to read as follows:

"Section 3. **Dealers' Statements — Amount of Tax.** Each dealer shall, not later than the fifteenth (15th) day of each calendar month, beginning with the next calendar month after this Act has become effective, render a true statement to the State Board of Equalization, duly signed and sworn to, of all gasoline handled by him in this state during the preceding calendar month, and containing such other information as the State Board of Equalization may require, and shall accompany such statement with the payment to the State Board of Equalization of a license tax, in an amount equal to five cents (5c) per gallon for each gallon of gasoline so handled for the time beginning April 1, 1931, and ending March 31, 1941, and thereafter in an amount equal to three cents (3c) per gallon for each gallon of gasoline so handled, and upon which such license tax was not paid by any other dealer in this state, for engaging in and carrying on such business in this state. In making the computation of license tax due and in making payment thereof, two per centum (2%) of the amount of such tax shall be deducted by the dealer as an allowance for evaporation and other loss of gasoline handled by such dealer. Any dealer engaged in or carrying on his business at more than one place or location in this state may include all such places of business in one statement."

Dealers' statements amount of tax.

Evaporation allowance.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after April 1, 1931.

Approved February 4, 1931.

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CHAPTER 7.

An Act Amending Section 5916 of the Revised Codes of Montana, 1921, so as to Authorize Unliquidated Corporations whose Terms of Corporate Existence have Expired, or may Hereafter Expire, to Extend their Corporate Existence, and Validating All Acts of such Corporations and their Officers Between Dates of Expiration of Terms of Corporate Existence and Dates of Extension of Their Corporate Existence, Which Would Have Been Legal and Valid if Done Before Expiration of Their Corporate Existence.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5916 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Section 5916. When the term of years for which any corporation organized under the laws of the Territory or State of Montana was incorporated, or its extended term of corporate existence, has expired, or is about to expire, and such corporation has not been administered upon as an expired corporation or gone into liquidation or had any settlement of its affairs, it may elect to have its term of incorporation extended and continued the same as if originally incorporated. Such election may be made at any annual meeting of the stockholders or members of such corporation or at any meeting called by the directors thereof expressly for considering the subject, if voted by stockholders representing a majority of the capital stock or by a majority of the members at such meeting of the stockholders or members of such corporation, or may be made by the directors thereof upon the written consent of that number of such stockholders or members; provided, however, that as to all such corporations whose charters, or whose terms of extended corporate existence, have heretofore expired, or whose charters, or terms of extended corporate existence, may expire before such election is made, such meeting shall be held and such election made within five years after the expiration of the charter, or extended term of corporate existence, which is to be renewed; and provided further that all acts of such corporations whose charters, or extended terms of existence, have expired, or whose charters, or extended terms of corporate existence, may here-

How terms extended.

Expired corporations.

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after expire before such election is made, and of the officers of such corporations, which they and their officers were legally authorized to do prior to the expiration of their charters, or extended terms of corporate existence, are hereby authorized and declared legal and valid and of full force and effect, the same as though done and made prior to the expiration of the terms for which they were incorporated, or for which their corporate existence was extended.

Validation of acts.

A certificate of the action of the directors, signed by them and their secretary when the election is made by their unanimous vote upon the written consent of the stockholders or members, or a certificate of the proceedings of the stockholders or members when such election is made at any such stockholders' meeting, signed by the chairman and secretary of the meeting and a majority of the directors, must be filed in the office of the clerk of the county where the original articles of incorporation are filed, and a certified copy thereof must be filed in the office of the Secretary of State, and if the principal place of business of such corporation has been changed, a certified copy thereof must be filed in the office of the clerk of the county to which such principal place of business has been changed; and thereafter such corporation shall continue its existence under the provisions of this code which are applicable thereto for a term not exceeding forty years from and after the date of expiration of its term of existence, and it shall possess all the rights and powers and be subject to all the obligations, restrictions and limitations prescribed thereby.

Certificate recording.

Section 2. Any corporation desiring to comply with the provisions of this Act, shall pay the same fees to the Secretary of State in so doing, as are now required by law of corporations seeking to extend the term of their corporate existence.

Same fees as heretofore.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect upon its passage and approval.

Approved February 5, 1931.

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CHAPTER 8.

An Act Amending Sections 6010 and 6011 of the Revised Codes of Montana, 1921, and Providing How Corporations May Be Dissolved.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6010 of the Revised Codes of Montana, 1921, be, and the same is hereby, amended to read as follows:

Section 6010. A corporation is dissolved.

1. By expiration of the time limited by its charter, provided its corporate existence is not extended within five years after such expiration; or,

2. By a judgment of dissolution in the manner provided by Sections 9576 to 9601 of the Code of Civil Procedure governing quo warranto proceedings and in the manner provided by Sections 9922 to 9928 of said code governing voluntary dissolution of corporations by decree of court; or,

How corporations are dissolved.

3. By an act of the legislative assembly; or,

4. A corporation which has ceased to transact business and which has no assets may likewise be dissolved by the directors in the manner provided by Sections 9929 to 9932 of the Code of Civil Procedure.

Section 2. That Section 6011 of the Revised Codes of Montana, 1921, be, and the same is hereby, amended to read as follows:

Section 6011. Unless other persons are appointed by the court, the directors of any corporation, at the time of its dissolution, are trustees of the creditors and stockholders or members of such corporation, and have full power to settle and liquidate its affairs, and such trustees, or a majority thereof, or in case of the death of one or more of such trustees, a majority of such survivors, are authorized to execute grants and conveyances of both real and personal property of such dissolved corporation. Every such grant or conveyance shall be prima facie evidence of the truth of all matters and facts recited or stated therein.

Trustees of expired corporations and powers.

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Where a corporation is dissolved by the expiration of the time limited by its charter and its corporate existence has not been extended within five years thereafter, as provided by the laws of Montana, the president, or vice-president, and the secretary of the corporation in office at the date of its dissolution, may at any time thereafter make out, under oath, a statement giving the names of the directors of the company at time of such dissolution, which statement shall be entitled to record in the office of the county clerk and recorder of any county of the State of Montana, and the directors therein named shall be, prima facie, the trustees of such dissolved corporation.

Recording statement.

Section 3. This Act shall be in full force and effect upon its passage and approval.

Approved February 5, 1931.

CHAPTER 9.

An Act to Amend Section 8960 of the Revised Codes of Montana, 1921, Relating to the Transfer of Moneys from the Attorneys' License Tax Fund to the Law Library Fund and Specifying the Purposes for Which the Same May be Expended, and Providing for the Disbursement Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8960 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

"Section 8960. On the 31st day of March of each year it shall be the duty of the State Treasurer to transfer from the Attorneys' License Tax Fund all unexpended moneys remaining in said Fund to the State Law Library Fund. The moneys so transferred to the Law Library Fund, together with any other moneys in said fund, shall be available for and may be expended in the purchase of books, pamphlets, maps, and such other literature as may be purchased for the State Law Library, and for furniture, equipment and appliances for the use and betterment of said library, and in meeting and paying the

Transfer of moneys from attorneys' license fund to State Law Library.

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ordinary current expenses of said State Law Library as may be incurred under the direction of the Board of Trustees thereof. Upon the presentation by the State Law Librarian of vouchers for said expenditures, duly verified by him, or by the claimants of the amounts due, and approved by at least one of the Justices of the Supreme Court, and by the State Board of Examiners, it shall be the duty of the State Auditor to draw his warrant or warrants upon said Law Library Fund for the amounts named in said vouchers, and it shall be the duty of the State Treasurer to pay said warrants when presented out of the money in said Law Library Fund."

Vouchers and payment.

Section 2. This Act shall be in full force and effect after its passage and approval.

Approved February 7, 1931.

CHAPTER 10.

An Act to Amend Section 27, Chapter 57, Laws of the Twentieth Legislative Assembly, Providing That Certain Fees Collected in Pursuance With This Act Shall be Placed to the Credit of the General Fund of the State of Montana, and Providing for the Transfer of all Money in the State Examiner's Fund to the General Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 27, Chapter 57, Laws of the Twentieth Legislative Assembly, be, and the same is hereby amended to read as follows:

"Section 27. **Fees Paid Into State Treasury.** All fees provided for in this Act and paid to the Superintendent of Banks, or Secretary of State shall be by them turned into the State Treasury for the credit of the General Fund of the State of Montana."

Section 2. All moneys in the State Examiner's Fund shall be transferred and paid over to the General Fund of the State of Montana, and the Treasurer, of the State of Montana is hereby authorized and directed to make such transfer.

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Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect on and after its passage and approval.

Approved February 7, 1931.

CHAPTER 11.

An Act to Amend Section 8273 of the Revised Codes of Montana of 1921, as Amended by Chapter 39 of the Twentieth Legislative Assembly, Relating to Mortgages, Deeds of Trust or Assignments for the Benefit of Creditors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8273 of the Revised Codes of Montana of 1921, as amended by Chapter 39 of the Twentieth Legislative Assembly, be, and the same is hereby amended to read as follows:

"Section 8273. All mortgages, deeds of trust, or assignments for the benefit of creditors, of both real and personal property, executed by a corporation, association or partnership, or by an individual or individuals, are governed by the law relating to mortgages or deeds of trust of real property and must be recorded in the office of the county clerk of every county where any part of said property is situated, and the same are valid, notwithstanding the possession of such property is retained by such corporation, association or partnership, or by such individual or individuals, but any such mortgages, deeds of trust, or assignments for the benefit of creditors must be accompanied by the affidavit of good faith required to accompany mortgages of personal property, and also by a receipt for an executed copy of the instrument signed on behalf of the corporation by its president, vice-president, secretary, assistant secretary or managing agent. The recording of such an instrument shall be notice of the rights of the parties under the same. It shall not be necessary to file any such instrument as a chattel mortgage. Such instruments shall be indexed both in the chattel and real estate mortgage indexes in

Assignments for benefit of creditors.

Affidavit and receipt.

Recording.

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the offices of the county clerks and recorders where recorded, and a reference made in the chattel mortgage record to the book and page wherein the mortgage is recorded."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1931.

CHAPTER 12.

An Act to Amend Chapter 91 of the Session Laws of the 18th Legislative Assembly; said Act Being an Act to Establish a Game Preserve in a Portion of Mineral County for the Protection of Game Animals, to be Known as the Little Saint Joe Game Preserve and Providing Penalties for Violations of Such Act, but Excluding Therefrom Certain Privately Owned Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 91 of the Session Laws of the Eighteenth Legislative Assembly be, and the same is hereby amended to read as follows:

"Section 1. For the better protection and propagation of game animals and birds, the following described area in Mineral County, State of Montana, is hereby set aside and established as a State Game Preserve, to be known as the Little Saint Joe Game Preserve. Beginning at a point on the south bank of the Missoula River where the divide between Dry Creek and Oregon Creek intersects said river bank; running thence westerly along said divide to the summit of the Bitter Root Range, which is the line between Montana and Idaho; thence northwesterly along the summit of said Bitter Root Range to a point where the Deer Creek Government Trail intersects the Montana-Idaho State line; thence northerly along the east side of said Deer Creek Trail to a point where said trail intersects the south bank of the St. Regis River; thence down the south bank of the St. Regis River to its confluence with the Missoula River; thence up the

Little Saint Joe Game Preserve.

Description.

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south bank of the Missoula River to the point of beginning; except that the hereinafter described land now within the limits of said Little Saint Joe Game Preserve as above set forth by metes and bounds shall be excluded therefrom; to-wit: All privately owned land purchased prior to this Act, under fence in Sections 13, 14, 15, 22, 23, and 24 in Township 17 North, Range 27 West of the Montana principal meridian in Montana and Sections 18, 19 and 30 in Township 17 North, Range 26 West of the Montana principal meridian in Montana.

Section 2. It shall be unlawful for any person to hunt for, trap, capture, kill or take or cause to be hunted for, trapped, or killed any game animal or birds of any kind whatever, within the limits of said preserve; or to carry or discharge any firearms, or to create any unusual disturbance tending to, or which may frighten or drive away any of the game animals or birds, or to chase the same with dogs or hounds in said preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or for scientific purposes, or to destroy mountain lions, wolves, foxes, coyotes, wild cats, mink or other predatory animals or birds, or for carrying firearms, may be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said preserve by the State Game and Fish Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than One Hundred Dollars ($100.00), or by imprisonment in the County Jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment."

Purpose.

Fine.

Approved February 9, 1931.

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CHAPTER 13.

An Act to Amend Section 17 of Chapter 104 of the Session Laws of the Twenty-first Legislative Assembly, 1929, Relating to Practicing and Teaching Cosmetology, by Providing That All Fines Resulting from the Operation of Said Act Shall be Paid Into the Treasuries of the Several Counties for the Benefit of the Common School Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Practicing and teaching cosmetology.

Section 1. That Section 17 of Chapter 104 of the Session Laws of the Twenty-first Legislative Assembly, relating to the practicing and teaching of cosmetology and to the disposition of fines and penalties from the operation of the said Chapter shall be amended to read as follows, to-wit:

Penalties, where paid and use.

"Section 17. **Penalties.** Any person who shall practice or teach beauty culture, or act in any capacity wherein registration or license is required, without complying with this Act, shall be guilty of a misdemeanor. All fines and penalties shall be paid into the treasuries of the several counties for the use and benefit of the common school fund thereof."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 12, 1931.

CHAPTER 14.

An Act to Amend Section 3 of Chapter 104 of the Session Laws of the Twenty-first Legislative Assembly, 1929, by Striking Therefrom a Part Relating to Requirements to Practice or Teach Cosmetology.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3 of Chapter 104 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana, relating to requirements to practice or teach cosmetology be amended to read as follows, to-wit:

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Requirements for practicing or teaching cosmetology.

"Section 3. **Requirements to Practice or Teach.** Before any one may practice or teach cosmetology, such person shall file with the secretary of the state board a written application for registration, accompanied by a health certificate, issued by a registered licensed physician, on a form prescribed and supplied by the state board, and also submit satisfactory proof of good moral character, and shall deposit with the secretary of the said board, the required fee and pass an examination as to fitness to practice or teach cosmetology or any practices thereof. If a hairdresser or cosmetologist shall, after securing a certificate, contract a communicable disease, endangering the public health, the board shall, upon proof of same, cancel or suspend the certificate until such time as the hairdresser or cosmetologist can secure a satisfactory physician's certificate."

Diseases.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 12, 1931.

CHAPTER 15.

An Act to Amend Section 5148 of the Revised Codes of Montana, 1921, Relating to Fire Protection and Establishment of Fire Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5148 of the Revised Codes of Montana, 1921, be and the same hereby is amended to read as follows:

Fire protection.

"Section 5148. **Fire Protection—Establishment of Fire Districts.** The Board of County Commissioners is authorized to establish fire districts in any unincorporated town or village, or any territory lying within ten (10) miles of the limits of any incorporated city whenever requested in writing so to do by the owners of fifty per cent (50%), or more, of the area included within the proposed district and who constitute a majority of the taxpayers who are freeholders of such territory and whose names appear upon the last completed preceding assessment roll; and at the time of the annual levy of taxes may levy a special tax upon all the property within such districts for the

Establishment of fire districts.

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purpose of buying apparatus and maintaining the fire department of any such district, and such tax must be collected as are other taxes. All moneys so collected by the county treasurer shall be disbursed by him upon warrants signed by the treasurer of the fire company and countersigned by its foreman. In the drawing of such warrants against the funds so collected by the county treasurer, the foreman and treasurer of the fire company shall be governed by the by-laws of such fire company. It is provided that the provisions of this section shall not apply to payment of bonds and interest thereon as provided by Sections 5149 to 5158 of this code." Taxes.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 12, 1931.

CHAPTER 16.

An Act to Amend Section 6893 of the Revised Codes of Montana of 1921, Relating to the Recording of Instruments; and Providing for the Recording of Instruments Acknowledged by the Vice-president or Assistant Secretary of Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6893 of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

"Section 6893. Before an instrument can be recorded, unless it belongs to the class provided for in either Sections 6891, 6892, 6927, or 6928, its execution must be acknowledged by the person executing it, or, if executed by a corporation, by its president, vice-president, secretary, or assistant secretary, or proved by a subscribing witness, or as provided in Sections 6923 and 6924, and the acknowledgment or proof certified in the manner prescribed by Sections 6905 to 6933 of this Code."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 12, 1931.

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CHAPTER 17.

An Act to Amend Section 6932 of the Revised Codes of Montana of 1921, Relating to the Validity of Instruments Affecting Real Property Now Recorded.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6932 of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

"Section 6932. Any instrument affecting real property, which was, previous to the date this Act takes effect, copied into the proper book, kept in the office of the county clerk and recorder, shall be deemed to impart, after that date, notice of its contents to subsequent purchasers and encumbrancers, notwithstanding any defect, omission, or informality in the execution of the instrument or in the certificate of acknowledgment thereof, or the absence of any such certificate; and all such instruments heretofore acknowledged by the vice-president and assistant secretary of any corporation, or by either of them, and recorded, shall be valid and shall have the same force and effect as though acknowledged by the president or secretary; but nothing herein shall be deemed to affect the rights of purchasers or encumbrancers previous to that date. Duly certified copies of the record of any such instrument may be read in evidence, with like effect as copies of an instrument duly acknowledged and recorded."

Validating records in error.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 12, 1931.

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CHAPTER 18.

An Act to Amend Sections 3, 9, 10 and 11 of Chapter 127, of the Session Laws of the Twenty-first Legislative Assembly, 1929, Relating to Barber Apprentices, the Powers and Duties of the Board of Barber Examiners, Regulations for Schools of Barbering; Providing Penalties for Violations of This Act and the Issuing of Permits Prior to Examination with Specific Exemption of Persons Trained by the State Board of Civilian Rehabilitation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3 of Chapter 127 of the Session Laws of the Twenty-first Legislative Assembly, 1929, be, and the same is hereby amended to read as follows:

Qualifications for barbers.

"Section 3. **Qualifications for Certificate of Registration as Registered Barber—Apprentices—Barber Schools.** A person is qualified to receive a certificate of registration to practice barbering:

Apprentice.

(a) Who has practiced as a registered apprentice for a period of eighteen (18) months under the immediate personal supervision of a registered barber; and who has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering.

Graduate.

(b) Who is a graduate of a school of barbering, and who has passed a satisfactory and practical examination conducted by the board to determine his fitness to practice barbering.

Who is an apprentice.

(c) Who has served as an apprentice. An apprentice, for the purpose of this Act, is a person who receives instruction in an approved barber school or from a barber authorized to practice barbering under this Act. Every apprentice must file with the board a statement in writing showing the name and place of business of his instructor or school, the date of commencement of apprenticeship, and the full name and age of said apprentice, and shall pay to the board a fee of Three Dollars ($3.00), whereupon the board shall issue to said apprentice a card. No school of barbering shall be approved by the board unless it requires a continuous course of instruction of six (6) months of not more than eight (8) hours in any working day; such course of instruction to include the following

Fee.

Qualification of school.

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subjects: scientific fundamentals of barbering, practical study of the hair, skin, sterilization and antiseptics, diseases of the skin, and hair, massaging and manipulating the muscles of the face and neck, hair cutting, shaving and trimming the beard. Every barber school or college must be in charge of a person who has had ten (10) years' continuous experience as a barber, providing that the owner of such school shall first secure from the board a permit to operate on payment of an annual license fee of One Hundred Dollars ($100.00), and shall keep said permit prominently displayed, and shall before commencing business file with the secretary of state a bond to the state, approved by the attorney general, in the sum of Two Thousand Dollars ($2,000.00), conditioned upon the faithful compliance of said barber school with all the provisions herein; and to pay all judgments that may be obtained against said school or the owners thereof on account of fraud, misrepresentation or deceit practiced by them or their agents; provided, further, that all barber schools or colleges shall keep prominently displayed a substantial sign as barber school or college. Provided, further, that all barber schools upon receiving students shall immediately apply to said board for student permits upon blanks for said purpose furnished by the board."

Qualifications for teachers.

License fee.

Bond.

Advertisement or sign displayed.

Student permits.

Section 2. That Section 9 of Chapter 127 of the Session Laws of the Twenty-first Legislative Assembly, 1929, be, and the same is hereby amended to read as follows:

"Section 9. **Powers and Duties.** The board shall conduct practical examinations of applicants for certificates of registration to practice as registered barbers, not less than two (2) times each year at such times and places as the board may determine. Said examination shall cover the fundamentals of barbering, dermatology and sanitation. The board shall issue all certificates of registration. (The board may, at its discretion, appoint inspectors with authority to inspect barber shops, their compensation to be the same as provided for members of the board while engaged in said duties.) The board shall have authority to make necessary rules and regulations for the administration of the provisions of this Act not inconsistent with this Act nor the laws of the State."

Powers and duties of board of barbers.

Section 3. That Section 10 of Chapter 127 of the Session Laws of the Twenty-first Legislative Assembly, 1929, be, and the same is hereby amended to read as follows:

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"Section 10. **Penalty.** Any person practicing the occupation of a barber without first having obtained a license, as provided in this Act, or any person knowingly employing a barber who has not obtained such license, or any person who falsely pretends to be qualified to practice such occupation under this Act, or any person who fails to properly sterilize each and all of his tools and fails to have all linen properly laundered prior to use on each and every person, and any person who permits any one in his employ, supervision or control, to practice barbering without a license from the board and any person who obtains, or attempts to obtain, a license for money other than the required fee, and any person who wilfully fails to display the license as required by this Act, and any person who violates any of the provisions of this Act, shall be deemed guilty of misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00) or imprisonment in the county jail for not less than ten (10) days nor more than ninety (90) days or both. In addition to the penalty hereinbefore prescribed, the board may, after hearing, suspend or revoke any certificate of registration by reason of any person wilfully violating this Act or persistently failing to conform to the lawful rules and regulations promulgated by the board." Penalties.

Section 4. That Section 11 of Chapter 127, of the Session Laws of the Twenty-first Legislative Assembly, 1929, be, and the same is hereby amended to read as follows:

"Section 11. **Fees.** (a) The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration to practice barbering shall be Fifteen Dollars ($15.00); and for the issuance of the certificate, an additional Three Dollars ($3.00). The fee to be paid by an apprentice for certificate of registration shall be the sum of Three Dollars ($3.00).

(b) Each person registered as a barber or barber apprentice shall on or before the first of August of each year renew his certificate and the fee therefor shall be Three Dollars ($3.00).

(c) A permit may be issued by the board to any eligible applicant for examination, other than an apprentice, upon the payment of the examination fee of Fifteen Examinations.

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Dollars ($15.00), and said permit shall allow him to practice under a licensed barber until the next examination for barbers, at which time he shall appear for examination. In case of failure to appear at such examination (except for sickness duly attested by a legally qualified physician or equally good reason) said applicant's permit shall be cancelled and his fee retained in the fund. The payment of such fee by an applicant shall entitle him to take the examination prescribed not more than three (3) times and if he shall fail to pass said examination after taking the same three (3) times, his rights under said application shall be exhausted and the said fee retained in the fund; provided, however, that physically handicapped men and women, trained for the barber profession by the State Bureau of Civilian Rehabilitation and certified by that department as having successfully completed a six (6) months' course in a reputable barber college will not be required to pay any fees but will for a period of one (1) year immediately following their training be exempted from all except the sanitary provisions of the Barber Act or any of its amendments."

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 12, 1931.

CHAPTER 19.

An Act Prescribing the Oath or Affirmation to be Taken and Subscribed to by Teachers, Instructors and Professors in Public Schools, Normal Schools, Colleges and Universities of This State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person who applies for a contract, or any renewal thereof, to teach in any of the public schools of this State, shall subscribe to the following oath or affirmation before some officer authorized by law to administer oaths:

Form of oath.

"I solemnly swear (or affirm) that I will support the constitution of the United States of America, the constitution of the State of Montana and the laws of the United

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States and the State of Montana, and will, by precept and example, promote respect for the flag and the institutions of the United States and the State of Montana, reverence for law and order and undivided allegiance to the government of the United States of America."

Execution and filing.

Such oath or affirmation shall be executed in duplicate and one copy thereof shall be filed with the State Superintendent of Public Instruction at the time when the application for a license is made, and the other copy shall be retained by the person who subscribed to such oath or affirmation. No such contract shall be entered into, or be effective, unless such oath shall have been filed.

Professors in schools of higher learning.

Section 2. Every professor, instructor or teacher who shall hereafter be employed by any university, normal school or college in this State which is supported in whole or in part by public funds, shall, before entering upon the discharge of his or her duties, subscribe to the oath or affirmation as prescribed in Section 1 of this Act before some officer authorized by law to administer oaths. Such oath or affirmation shall be executed in duplicate and one copy thereof shall be filed with the president of such university, normal school or college, and one copy shall be retained by the person who subscribed to such oath or affirmation; provided, however, the above requirement shall not apply to exchange professors or temporary employees.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 16, 1931.

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CHAPTER 20.

An Act Requiring that Any Board, Council, Commission, Trustees or Body Acting for the State or Any County or Municipality or Any Public Body, Who Shall Contract with Any Person or Corporation to do Any Work for the State, County, Municipality or Other Public Body, to Require a Good and Sufficient Bond Therefor, and Providing the Terms, Conditions and Provisions of Said Bond, and Prescribing the Liability of the State or Any County or Municipality or Public Body for Failure to Take Such Bond and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever any board, council, commission, trustees or body acting for the state, or any county, municipality or any public body, shall contract with any person or corporation to do any work for the state, county, or municipality or other public body, city, town or district, such board, council, commission, trustees or body shall require the corporation, person or persons with whom such contract is made, to make, execute and deliver to such board, council, commission, trustees or body, a good and sufficient bond with two or more sureties, or with a surety company as surety, conditioned that such corporation, person or persons shall faithfully perform all of the provisions of such contract, and pay all laborers, mechanics, subcontractors and material men, and all persons who shall supply such corporation, person or persons, or subcontractors with provisions, provender, material, or supplies for the carrying on of such work, a copy of such bond shall be filed with the county clerk and recorder of the county where such work is performed or improvement made, or if to be performed in more than one county, then with the county clerk of either county, except in cases of cities and towns, in which case such bond shall be filed with the city or town clerk thereof; and any corporation, person or persons performing such services, or furnishing such provender, provisions, supplies, or material to any sub-contractor shall have the same right under the provisions of such bond as if such work, services, provender, provisions, supplies or material, was furnished to the original contractor; provided, however, that the provisions of this Act shall

Board of contractors.

Purpose.

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not apply to any money loaned or advanced to any such contractor, sub-contractor or other person in the performance of any such work.

Section 2. Every person, firm or corporation furnishing provender, provisions, materials or supplies to be used in the construction, performance, carrying on, prosecution or doing of any work for the state, or any county, city, town, district, municipality or other public body, shall not later than seven (7) days after the date of the first delivery of such provender, material, supplies or provisions to any sub-contractor or agent of any person, firm or corporation having a sub-contract for the construction, performance, carrying on, prosecution or doing of such work, deliver or send by registered mail to the contractor a notice in writing stating in substance and effect that such person, firm or corporation has commenced to deliver provender, provisions, materials or supplies for use thereon, with the name of the sub-contractor or agent ordering or to whom the same is furnished, and that such contractor and his bond will be held for the same, and no suit or action shall be maintained in any court against the contractor or his bond to recover for such provender, provisions, material or supplies, or any part thereof, unless the provisions of this Act have been complied with.

Materials and notice of delivery.

Section 3. If any board, council, commission, trustee or body acting for the state, or any board of county commissioners or any mayor and common council of any incorporated city or town, or tribunal transacting the business of any such municipal corporation, shall fail to take such bond as herein required, the state or such county, incorporated city or town, or other municipal corporation shall be liable to the persons mentioned in Section 1 to the full extent and for the full amount of all of such debts so contracted by any such sub-contractor as well as such contractor.

Liability on failure to take bond.

Section 4. The bond mentioned in Section 1 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, and shall be to the State of Montana, except in cases of cities and towns, in which case such municipality may by general ordinance, fix and determine the amount of such bond, and to whom such bond shall run; provided, that the same shall not be for a less amount than twenty-five per

Terms of bond.

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centum (25%) of the contract price of any such improvement, and may designate that the same shall be payable to such city or town and not to the State of Montana. All such persons mentioned in said Section 1 shall have a right of action in his or her or their own name or names, on any bond furnished under the terms of this Act for work done by such laborers or mechanics and for provender, materials, supplies, provisions or goods supplied and furnished in the prosecution of such work or the making of such improvements; provided, that such persons shall not have any right of action on such bond for any sum whatever, unless within fifteen (15) days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body, city, town or district, the laborer, mechanic or subcontractor, or materialman or person claiming to have supplied provender, materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state, county or municipality or other public body, city, town or district, a notice in writing in substance as follows:

"TO (here insert the name of the state, county or municipality or other public body, city, town or district):

Notice of claim.

NOTICE IS HEREBY GIVEN that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or materialman, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of..... Dollars (here insert the amount) against the bond taken from.....(here insert the name of the principal and surety or sureties upon such bond) for the work of.....(here insert a brief mention or description of the work concerning which said bond was taken).

(Here to be signed).....''

Provisions in bond for actions.

Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice, after being presented and filed, shall be a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the

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items hereinbefore specified, the prevailing party shall be entitled to recover in addition to all other costs, attorneys' fees in such sum as the court shall adjudge reasonable; provided, however, that no attorneys' fees shall be allowed in any suit or action brought or instituted before the expiration of fifteen (15) days following the date of filing of the notice hereinbefore mentioned; and provided further, that any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict herewith.

Special provisions.

Section 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 6. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved February 16, 1931.

CHAPTER 21.

An Act Providing for a Basis of Imposition of Taxes on Agricultural Products in Storage, or Held on the Farm, and Amending all Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. As a basis for the imposition of taxes upon agricultural products in storage or held on the farm, seven per centum (7%) of the true and full value shall be taken.

Tax on storage products.

Section 2. It is specifically provided that the provisions of this Act are not retroactive and shall apply only to levies made on assessments levied from and after the first Monday in March, 1931.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed or amended in conformity thereto.

Section 4. Since it is necessary that this Act shall be effective prior to the first Monday in March, 1931, it is

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hereby deemed and declared that this is an emergency measure and shall be in full force and effect immediately upon its passage and approval.

Approved February 16, 1931.

CHAPTER 22.

An Act to Amend Section 5738 of the Revised Codes of Montana of 1921, Relating to Grounds for Divorce and Defining Extreme Cruelty, and Providing for the Period of Time Extreme Cruelty Must Exist and be Persisted in.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5738 of the Revised Codes of Montana of 1921, be, and the same hereby is amended to read as follows:

"Section 5738. **Extreme Cruelty Defined.** Extreme cruelty is the infliction, or threat of grievous bodily injury, or of bodily injury dangerous to life, or the repeated infliction or threat of bodily injury or personal violence upon the other party by one party to the marriage, or the repeated publication or utterance of false charges against the chastity of the wife by the husband, or the infliction of grievous mental suffering upon the other by one party to the marriage, by a course of conduct towards or treatment of one party to the marriage by the other, existing and persisted in for a period of one (1) year before the commencement of the action for divorce, which justly and reasonably is of such a nature and character as so to destroy the peace of mind and happiness of the injured party, or entirely to defeat the proper and legitimate objects of marriage, or to render the continuance of the married relation between the parties perpetually unreasonable or intolerable to the injured party."

Definition of extreme cruelty.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1931.

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CHAPTER 23.

An Act to Authorize the State Board of Examiners of the State of Montana to Issue and Sell Refunding Educational Bonds of the State of Montana Sufficient in Amount to Pay and Retire that Portion of Series A and of Series B of the Educational Bonds of the State of Montana for the Redemption of Which no Funds are Available.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Examiners of the State of Montana is hereby authorized to issue and sell refunding bonds of the State of Montana for the purpose of providing funds to pay and redeem all that portion of Series A and all that portion of Series B of the Educational Bonds of the State of Montana issued as of July 1, 1921, all of the bonds of the said Series A and of the said Series B being issued and sold by the State under the provisions of the Act enacted by the people of the State of Montana at the general election held November 2, 1920, and declared effective by the Governor's proclamation of December 6, 1920, which said bonds become optional and redeemable on July 1, 1931, for the payment and redemption of which there are no funds available.

Authorization of sale of refunding bonds.

Section 2. The aggregate amount of the bonds issued under this Act shall not exceed the sum of One Million Six Hundred Thousand Dollars ($1,600,000.00).

Amount.

Section 3. The bonds issued under the provisions of this Act shall be either amortization bonds as defined by the statutes of the State or serial bonds and shall be payable through a period of time to be fixed by the State Board of Examiners not exceeding ten (10) years from the date of issue. If serial bonds are issued the amount payable each year shall be determined by dividing the total amount of each issue by the number of years that the bonds are to run.

Kind and how payable.

Section 4. The bonds shall draw interest at the lowest rate at which they can be sold at par, not exceeding four and one-half per centum (4½%) per annum, payable semi-annually, and the principal and interest shall be payable at the office of the State Treasurer, Helena, Montana, or at the option of the holder at the Chase National Bank of the City and State of New York.

Interest.

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Section 5. The bonds shall bear upon their face the words "Refunding Educational Bonds of the State of Montana," and shall be signed by the members of the State Board of Examiners and the Great Seal of the State of Montana shall be affixed to each bond. Each of the said bonds shall have coupons attached thereto showing the semi-annual payments due thereon, which coupons may be signed with the facsimile signature of each member of the State Board of Examiners, if so recited in the bond. The State Board of Examiners is hereby authorized to prescribe all other details for the form of the bonds. The bonds shall be registered in the office of the State Treasurer in a book provided for that purpose.

Form.

Section 6. The bonds provided for under this Act shall be sold by the State Board of Examiners in such manner as they shall deem for the best interests of the state, providing that no bond shall be disposed of for less than its par value.

How sold.

Section 7. The principal and interest of the bonds authorized by this Act shall be paid out of the fund created by the tax levy provided for the payment of interest and principal of the Educational Bonds of the State of Montana.

How payable.

Section 8. All moneys received from the sale of the bonds authorized by this Act shall be paid into the State Treasury, and must be by the State Treasurer applied to the payment and redemption of the redeemable and outstanding educational bonds of Series A and Series B of the State of Montana.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 16, 1931.

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CHAPTER 24.

An Act Relating to Irrigation Districts, Authorizing and Empowering Irrigation Districts and the Commissioners Thereof to Contract With the United States for a Loan of Money Under Any Act of Congress Permitting Such Loan; to Create a Sinking Fund and Invest the Surplus Thereof; to Create Liens Against District Lands and the Irrigation System; to Surrender the Control, Operations and Maintenance of the District in Case of Default in Payments to the United States; to Authorize and Empower the County Treasurer to Cancel and Surrender Irrigation District Bonds; and Relating to the Procedure to Be Followed in Contracting With the United States.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Board of Commissioners of any irrigation district established and organized under and by virtue of the Laws of Montana, whenever deemed advisable and to the interest of the District, shall have the power and authority to enter into any obligation or contract with the United States under any Act of Congress providing for or permitting such obligation or contract, and the rules and regulations established thereunder, for the purpose of obtaining from the United States a loan of money to be used by the District for the liquidation of bonded or other outstanding indebtedness of the District, or for doing or causing to be done under the supervision of the Secretary of the Interior of the United States, any construction, betterments or repair work necessary to place the irrigation system of the District in good operating condition. The Board shall also have the power and authority to create, by proper levy and collection of assessments, a sinking fund which shall be available for the construction of betterments to the irrigation system of the District, as may become necessary during the term of any contract made hereunder. Said sinking fund for said purpose, which shall be designated "..... District Sinking Fund For Betterments", shall be in such an amount and shall be created within such time as may be agreed upon between the District and the United States. The Board shall also have the power and authority to invest any surplus in the sinking fund herein provided for interest-bearing securities of the United

Contracts with Federal Government for loans.

Purpose of loans.

Sinking fund.

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States, or of the States approved by the Secretary of the Interior, and to deposit said securities with the Federal Reserve Bank or Branch thereof.

Section 2. In any contract entered into between an irrigation District and the United States hereunder, the Board of Commissioners shall have the power to levy assessments for the United States Contract Fund against all of the land within the District for any and all of the purposes enumerated in the laws of Montana, and in addition thereto the power to levy assessments in compliance with such contract, including such deficiency assessments as will enable the District to meet established or estimated delinquencies in making payments to the United States because of the failure of land owners to pay the assessments levied against their lands in the District.

Assessments.

Section 3. All amounts to be paid to the United States under any contract between the District and the United States made hereunder shall be a lien upon all the lands now within the District or hereafter embraced within the District, and for the benefit of which said contract between the District and the United States was made, and said amounts to be paid to the United States shall also be a lien upon the irrigation system of the District, and all such lands shall be subject to a special tax or assessment for the payment of all amounts to be paid to the United States under any such contract between the District and the United States, and said special tax or assessment shall constitute a first and prior lien on the land against which levied to the same extent and with like force and effect as taxes levied for state and county purposes.

Lien covering advancements.

Special tax.

Section 4. In addition to other legal remedies the Board of Commissioners of the District shall have the power and authority to provide in any contract executed between the United States and the District hereunder, that in case of default for more than 12 months in the payment of any installments due under such contract, the control, operation and maintenance of the District may, in the discretion of the Secretary of the Interior, be assumed by the United States, and the delivery of water withheld until payments are duly made in accordance with the contract requirements.

Control after default.

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Section 5. When money is provided by the United States for liquidating bonded indebtedness of any irrigation District, the county Treasurer is authorized and empowered to cancel the District bonds so liquidated, and surrender them to the United States, taking therefor a receipt signed by the Secretary of the Interior, which receipt shall be placed in the records of the county Treasurer, and shall be conclusive evidence of the cancellation and surrender of the District Bonds.

Provision for concellation.

Section 6. No contract shall be made with the United States hereunder except upon a petition signed by at least sixty (60) per cent in number and acreage of the holders of title or evidence of title to the lands included within the District; such petition shall be addressed to the Board of Commissioners; shall set forth the aggregate amount of money to be borrowed from the United States, and the purpose or purposes thereof; shall have attached thereto an affidavit certifying the signatures to said petition, and shall be filed with the Secretary of the Board of Commissioners. Such petition may consist of one or more parts or papers.

Petition.

Section 7. The Board of Commissioners of any irrigation District, before the making of any contract with the United States hereunder, shall commence a special proceeding in the District Court of the State, in and by which the proceedings of the Board and of said District leading up to the making of any such contract and the validity of the terms thereof shall be judicially examined, approved and affirmed, or disapproved or disaffirmed.

Special proceeding.

Section 8. The practice and procedure for the confirmation of any step or action in the last above section provided shall be as nearly as possible in conformity with the practice and procedure now provided for the confirmation before the issuance and sale of bonds of an irrigation District. The court may approve and affirm such proceedings in part and disapprove and declare illegal or invalid other and subsequent parts of the proceedings, and insofar as possible the court shall remedy and cure all defects in said proceedings.

Practice and powers.

Section 9. This Act shall not limit the power and authority of an irrigation District or the Commissioners

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thereof to contract with the United States under other applicable statutes, but shall be cumulative thereto.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1931.

CHAPTER 25.

An Act Relating to the Term of Issue, Redemption, and Interest of School District Bonds and Amending Section 4, Chapter 147, of the Laws of the Twentieth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4, Chapter 147 of the Laws of the Twentieth Legislative Assembly of the State of Montana be amended to read as follows:

"Section 4. No school district bonds shall be issued for a longer period than twenty (20) years, and such bonds may, at the option of the school district, be made redeemable on any interest due date prior to their maturity; provided, however, that such redemption right must be stated on the face of each bond; providing that bonds issued to refund or redeem any outstanding bonds shall not be issued for any period in excess of ten (10) years. The interest shall not exceed six per centum (6%) per annum, and shall be payable semi-annually."

Term of bonds.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1931.

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CHAPTER 26.

An Act to Amend Section 105 of Chapter 60 of the Session Laws of 1927, Relating to Preservation and Record of Securities by the State Treasurer.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 105 of Chapter 60 of the Session Laws of 1927, be, and the same is hereby amended to read as follows:

"Section 105. **Treasurer to Preserve Securities and Keep Records—Method of Remitting to State Treasurer.** The State Treasurer shall safely keep and preserve all such securities and shall keep an accurate and complete record thereof; he shall notify the proper disbursing officers as to the maturity of coupons and bonds, and upon receipt of such notice the disbursing officers shall remit to the State Treasurer in sufficient time for the remittance to reach the State Treasurer on or prior to the dates of maturity, and the State Treasurer shall thereupon cause such coupons and bonds to be cancelled and forwarded by mail to such disbursing officers. The bonds and coupons which the State of Montana holds or hereafter may hold as investments of any funds subject to investment shall be deemed payable to the office of the State Treasurer, and all disbursing officers are hereby required to make payment of same at the office of the State Treasurer. The State Treasurer shall notify the proper official or persons of delinquent payments, and shall keep accurate and complete account of all payments made."

Duties of State Treasurer.

Method of remittance.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. In that an emergency exists which emergency is hereby declared, this Act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1931.

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CHAPTER 27.

An Act to Amend Section 4805 of the Revised Codes of Montana of 1921, as Amended by Chapter 2 of the Session Laws of the Twenty-first Legislative Assembly of 1929, Relating to Duties of County Clerk and Recorder on Receipt of Instrument to be Recorded; Providing for Additional Information in Connection Therewith and Providing for Validity of the Record of Any Instrument be not Effected Thereby.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4805 of the Revised Codes of Montana of 1921, as amended by Chapter 2 of the Session Laws of the Twenty-first Legislative Assembly of 1929, be, and the same is hereby amended so as to read as follows:

"Section 4805. **Duty on Receipt of Instrument to be Recorded.** When any instrument, paper, or notice, authorized by law to be recorded, is deposited in the office of the County Clerk, as ex-officio Recorder, for record, accompanied by the required fee, he must indorse upon the same the time it was received, noting the year, month, day, hour and minute of its reception, and must record the same without delay, together with the acknowledgment, proofs, and certificates written upon or annexed to the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order and as of the time when the same was received for record, and must note at the foot of the record the exact time of its reception. The County Clerk shall not receive for recording, any deed, mortgage or assignment of mortgage unless the post office address of the grantee, mortgagee or assignee of the mortgagee, as the case may be, is contained therein, provided that this requirement shall not effect the validity of the record of any instrument which has been or may be recorded."

Duty of Recorder on receiving instrument for record.

Address necessary.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 18, 1931.

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CHAPTER 28.

An Act Amending Section 6136 of the Revised Codes of Montana 1921, Relating to Insurance Companies, Defining Classes of Insurance and Limitation of Risk, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6136 of the Revised Codes of Montana, 1921, be, and the same is amended to read as follows:

Section 6136. It shall be lawful for any corporation organized under this Chapter, and doing business in this state:

1. To insure houses, buildings, and all other kinds of property against loss or damage by fire or other casualty, and to make all kinds of insurance on goods, merchandise, or other property in the course of transportation, whether on land or water or air; to insure against loss or damage to motor vehicles resulting from accident, collision, or marine and inland navigation and transportation perils; to insure growing crops against loss or damage resulting from hail or the elements; to insure against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers, pumps or other ap paratus placed for extinguishing fires, and of water pipes, against accidental injury to such sprinklers, pumps, or other apparatus; and to insure against loss or legal liability for loss because of damage to property caused by the use of teams or vehicles whether by accident or collision or by explosion of any engine or tank or boiler or pipe or tire of any vehicle, and also including insurance against theft of the whole or any part of any vehicle.

What might be insured.

2. To make insurance on the health of persons and against the personal injury, disablement, or death, resulting from traveling or general accident by land or water or air.

Personal insurance.

3. To insure the fidelity of persons holding places of public or private trust, and to furnish surety on official bonds, and for the performance of other obligations; and to receive on deposit and insure the safe-keeping of books, papers, moneys, stocks, bonds and all kinds of personal property.

Fidelity and official bonds.

Records and securities.

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Live stock.

4. To insure horses, cattle, and other stock against loss or damage by accident, theft, or any unknown or contingent event whatever, which may be the subject of legal insurance; to lend money on bottomry or respondentia, and cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loan or loans which it may make on mortgages, bottomry, or respondentia, and generally to do all things proper to promote these objects; to insure plate glass against breakage, and steam-boilers against explosion, and against loss or damage to life or property resulting therefrom; against loss by burglary or theft, or both; against damage by water caused by the breakage or leakage of sprinklers, pumps, water-pipes, or plumbing and its fixtures, and accidental injury to such apparatus; and to permit liability insurance in all its branches.

5. To insure titles and credit.

Limit.

No corporation organized under this Chapter, or transacting business in this State, shall expose itself to loss on any one risk or hazard to an amount exceeding ten per centum (10%) of its paid-up capital, or write on a risk within the corporate limits of any one city an amount representing more than the paid-up capital of the corporation unless the excess shall be insured by the same in some other good and reliable company or companies. The restriction as to the amount of risk any such corporation shall assume shall not apply to corporations organized to guarantee the fidelity of persons in places of public or private trust, or to corporations that receive on deposit and guarantee the safe-keeping of books, moneys, papers and other property.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed.

Section 3. In order to validate existing insurance, this Act is hereby deemed and declared an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved February 18, 1931.

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CHAPTER 29.

An Act to Amend Section 6312 of the Revised Codes of Montana of 1921, Relating to Qualifications for Membership of Fraternal Benefit Societies, Providing Regulations for Beneficial Members, and Providing for Acceptance of General or Social Members.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6312 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 6312. **Qualifications for Membership.** Any society may admit to beneficial membership any person not less than sixteen (16) and not more than sixty (60) years of age, who has been examined by a legally qualified physician, and whose examination has been supervised and approved in accordance with the laws of the society, or in lieu of the medical examination persons may be admitted to beneficial membership upon such showing of eligibility as the laws of the society may provide; provided, that any beneficiary member of such society, who shall apply for a certificate providing for disability benefits, need not be required to pass an additional medical examination therefor. Nothing herein contained shall prevent such society from accepting general or social members.

Qualifications for membership of fraternal societies.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 18, 1931.

CHAPTER 30.

An Act Amending Section 11388 of the Revised Codes of the State of Montana, 1921, Relating to the Crime of Receiving Stolen Property, Providing for the Punishment of the Same, and Providing That the Jurisdiction for Such Crime Shall be in Any County Into or Through Which Such Property May be Brought.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11388 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

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Section 11388. **Receiver of Stolen Property.** Every person who for his own gain or to prevent the owner from again possessing his own property buys or receives any personal property, knowing the same to have been stolen, is punishable by imprisonment in the state prison not exceeding five (5) years or in a county jail not exceeding six (6) months; and it is presumptive evidence that such property was stolen if the same consists of jewelry, silver or plated ware or articles of personal ornaments, brass, bronze or copper fixtures, fittings or parts of machinery, or electrical supplies, or what is commonly termed junk, if purchased or received from a person under the age of twenty-one (21) years unless said property is sold by said minor at a fixed place of business carried on by said minor or his employer.

Penalty for receiver of stolen property.

Minor.

The jurisdiction of a criminal action for receiving stolen property is in any county wherein said property was received or into or through which such stolen property has been brought.

Jurisdictional feature.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 18, 1931.

CHAPTER 31.

An Act to Amend Section 6310 of the Revised Codes of Montana of 1921, Relating to the Issuing of Endowment Certificates and the Granting of Protection, Benefits, and Withdrawal Privileges by Fraternal Benefit Societies, and Regulations for the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6310 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 6310. **Conditions Under Which Extended and Paid-up Protection, Endowment and Other Equities May Be Provided.** Any society which shall show by the annual valuation hereinafter provided for that it is accumulating and maintaining the reserve necessary to enable it to do so, under a table of mortality not lower than the

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American Experience Table and four per centum (4%) interest may, in addition to the benefits provided in Section 6309 of this Code, issue endowment certificates and grant to its members extended and paid-up protection, or such withdrawal equities as its constitution and laws may provide; provided, that such grants shall in no case exceed in value the portion of the reserve to the credit of such members to whom they are made.

When endowment certificates may issue.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 18, 1931.

CHAPTER 32.

An Act to Amend Section 5049 of the Revised Codes of the State of Montana, for 1921, Providing for the Establishment by Cities and Towns of a Free Public Library and for a Tax Levy for Maintenance of the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5049 of the Revised Codes of the State of Montana, for 1921, be, and the same is hereby amended to read as follows:

Section 5049. **Establishment of Free Public Library—Tax Levy for Maintenance.** The council has power to establish and maintain a free public library, and for that purpose may provide by ordinance for a tax as follows: In a city or town having assessed valuation of seven hundred and fifty thousand dollars or more, a tax not exceeding two and one-half mills on the dollar on the property may be levied. In a city or town having an assessed valuation of less than seven hundred fifty thousand dollars, a tax not exceeding three mills on the dollar on the property may be levied. The tax so levied and collected constitutes a fund known as the "library fund," and must be expended only for the purchase of books and other things necessary for a library, and the support and maintenance thereof; provided, that no increase over the present authorized levy shall be made until the question of such increase has first been submitted to a vote of the taxpayers affected thereby.

Establishment of free public library.

Tax levy.

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Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1931.

CHAPTER 33.

An Act to Amend Section 5994 of the Revised Codes of Montana of 1921, Relative to the Powers of Corporations Heretofore or Hereafter Organized Under Any of the Laws of Montana, Whether Formed and Existing Before or After the Taking Effect of the Codes on July 1, 1895.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5994 of the Revised Codes of Montana, of 1921, be, and the same is hereby amended to read as follows:

Powers of corporations.

Section 5994. **Powers of Corporations.** Any corporation hereafter organized, or now existing under any of the laws of the State of Montana, whether formed and existing before or after the taking effect of the Codes on July 1, 1895, as such, has power:

1. Of succession, by its corporate name, for the period limited in its articles of incorporation;

2. To sue and be sued, in any court;

3. To make and use a common seal, and alter same at pleasure;

4. To purchase, hold and convey such real and personal estate as the purposes of the corporation may require;

5. To appoint such subordinate officers or agents as the business of the corporation may require, and to allow them suitable compensation;

6. To make by-laws, not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and for the transfer of its stock;

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7. To enter into any obligations or contracts essential to the transaction of its ordinary affairs, or for the purposes of the corporation;

8. To create two (2) or more kinds of stock of such classes, with such designation, and with such voting powers, if any, with any desired limitations and restrictions thereof, as shall be stated in the original or amended articles of incorporation, and, if desired, in one or more series as to any class, and with such designation and description of the manner of issuing, preferences, limitations, restrictions, and other terms and conditions of or on which each class of stock, or series thereof, shall be issued, as shall be described and set forth in the original or amended articles of incorporation, or by resolution of the board of directors of the corporation if delegation of power so to do is set forth in the original or amended articles of incorporation. Any such corporation may also, by provision in its original or amended articles of incorporation, deny or limit to the present or future stockholders of any or all classes of stock any preemptive or preferential right to subscribe to any or all additional issues of stock of any or all classes, or bonds, debentures or other obligations convertible into stock. Subject to the provisions of the constitution and laws of Montana fixing the required representation and proportion of outstanding capital stock required to be represented and voted, for specified action, at any and all corporate meetings, elections, votes, or consent proceedings, such corporation may, by provision in its original or amended articles of incorporation, fix the proportion of each or any class of stock which shall be required to be represented or voted, for specified action, at any such meeting, election, vote or consent proceeding. Any such corporation shall also have power, by provision in its original or amended articles of incorporation, to issue bonds, debentures or other obligations, convertible into stock of any class, in amounts, upon the terms, in the manner and under the conditions provided by resolution of the board of directors. Any such corporation shall also have power, by provision in the original or amended articles of incorporation, or by resolution of the board of directors of the corporation, if delegation of power so to do is set forth in the original or amended articles of incorporation, to make the stock of any class, or series

Kinds of stock.

Conditions and terms.

Obligations.

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Convertible stock.

thereof, convertible into stock of any other class or classes, or of any other series of the same or any other class or classes, upon such terms and conditions as shall be expressed in the original or amended articles of incorporation, or in a resolution of the board of directors of the corporation if delegation of power so to do is set forth in the original or amended articles of incorporation. The power to increase or decrease the stock, as in this code elsewhere provided, shall apply to any and all classes of stock; but at no time shall the total amount of the preferred stock exceed two-thirds (2/3) of the actual capital paid in cash or property; and such preferred stock, or any series thereof, may, if desired, be made subject to redemption at not less than par, at a price, to be expressed in the stock certificate thereof; and the holders thereof shall be entitled to receive, and the corporation shall be bound to pay thereon, a fixed yearly dividend, if actually earned, to be expressed in the certificate, not exceeding eight per centum (8%) payable quarterly, semi-annually, or annually, before any dividend shall be set apart or paid on the common stock, and such dividend may be made cumulative. Unless its original or amended articles of incorporation shall so provide, no corporation shall create preferred stock.

Limit on preferred stock.

Dividend.

Before any corporation shall issue any shares of stock of any class, or series thereof, of which the designations, manner of issuing, preferences, limitations, restrictions and other terms and conditions, shall not have been set forth in the articles of incorporation, or in any amendment thereto, but shall be provided for in a resolution or resolutions adopted by the board of directors, pursuant to authority expressly vested in it by the provisions of the articles of incorporation, or an amendment thereto, a certificate, setting forth a copy of such resolution or resolutions, shall be made under the seal of the corporation, and signed by the president or vice-president, and by the secretary or an assistant-secretary of the corporation, and acknowledged by such president or vice-president before an officer authorized by the laws of Montana to take acknowledgments of deeds, and shall be filed in the office of the county clerk of the county where the original articles of incorporation of such corporation were filed, and a copy thereof, certified by such county clerk, shall be filed in the office of the secretary of state.

When resolution necessary.

Filing of certificate.

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Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1931.

CHAPTER 34.

An Act to Amend Section 2 of Chapter 120 of the Laws of the Eighteenth Legislative Assembly of the State of Montana Relating to Agreements Concerning the Use of the County Jails for the Confinement of Prisoners of the United States and for the Support and Subsistence of Said Prisoners; Fixing the Consideration to be Stated in Said Agreements to be Paid by the United States to the Counties for Said Purposes; Prescribing the Amounts to be Paid the Sheriffs by the Counties for the Support and Subsistence of Said Prisoners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 120 of the Laws of the Eighteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Section 2. Provision and agreement for the use of said jails and the support and subsistence of such Federal prisoners shall first be made by the United States through or by the proper officer or officers, with the Board of County Commissioners of the county wherein such prisoners are to be confined, such agreement to be in writing and contain a provision that the United States shall, upon claim presented for the county by its county clerk and recorder, pay into the county treasury of the county the sum of One Dollar ($1.00) per day for each and every prisoner held in the county jail upon order or commitment of the United States Government or any department or officer thereof. The sheriff of the county, who has custody of such prisoners, shall be paid by the county for their support and subsistence at the rate of seventy-five cents (75c) per day, per prisoner.

Use of County Jails for federal prisoners and charge per day.

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Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1931.

CHAPTER 35.

An Act to Amend Section 5905 of the Revised Codes of Montana of 1921, Relative to the Contents of Articles of Incorporation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5905 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Section 5905. **Articles of Incorporation — What to Contain.** Articles of incorporation must be prepared, setting forth:

1. The name of the corporation;

Contents of articles of incorporation.

2. The purpose for which it is formed;

3. The name of the county, and the city, town or place within the county, in which its principal office or principal place of business is to be located in this state;

4. The term for which it is to exist, not exceeding forty (40) years;

5. The number of its directors or trustees, which shall not be less than three (3) nor more than thirteen (13), and the names and residences of those who are appointed for the first three (3) months, and until their successors are elected and qualified;

Stock classification.

6. The amount of its capital stock, and the number of shares into which it is divided, and if there be more than one (1) class of stock created by the articles of incorporation, a designation of each class, with the amount of stock of each class and the number of shares into which it is divided, and a designation of the voting powers or rights, if any, of any or all classes of stock, with any

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limitation or restriction thereof, and with either a designation and description of, or a delegation of power to the board of directors of the corporation to designate and describe, the different series, if any, of any class of such stock, the manner of issuing, preferences, limitations, restrictions, and other terms and conditions of or on which each class of said stock, or any series thereof, shall be issued. The articles of incorporation may also contain such provisions as may be desired, limiting or denying to the present or future stockholders of any or all classes of stock any pre-emptive or preferential right to subscribe to any or all additional issues of stock of the corporation of any or all classes, or bonds, debentures or other obligations convertible into stock, subject to the provisions of the constitution and laws of Montana fixing the required representation and proportion of outstanding capital stock required to be represented and voted, for specified action, at any and all corporate meetings, elections, votes, or consent proceedings, the articles of incorporation may contain provisions fixing the proportion of each or any class of stock which shall be required to be represented or voted, for specified action, at any such meeting, election or vote, or consent proceeding. The articles of incorporation may also contain provisions for issuing bonds, debentures or other obligations, convertible into stock of any class, in amounts, upon the terms, in the manner and upon the conditions, which shall be provided by resolution of the board of directors. The articles of incorporation may also contain provision making, or delegating power to the board of directors of the corporation to make, the stock of any class or series thereof convertible into stock of any other class or classes or of any other series of the same or any other class or classes, upon such terms and conditions as may be expressed in the articles of incorporation or in a resolution of the board of directors of the corporation, if delegation of power so to do is set forth in the articles of incorporation.

Bonds and debentures.

7. If there is a capital stock, the amount actually subscribed, and by whom;

8. If the stock is assessable, it must be so stated.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1931.

CHAPTER 36.

An Act Authorizing the Counties of This State to Enter Into Contracts with Incorporated Cities or Towns Within the Respective Limits of Said Counties, to Equip, Maintain, Improve and Purchase Airports and Landing Fields.

Be it enacted by the Legislative Assembly of the State of Montana:

County may contract for airport.

Section 1. That any county of this State is hereby authorized and empowered to enter into a contract upon such terms and conditions as it may deem proper, with any incorporated city or town within the limits of said county, to equip, maintain, or improve any municipal airport or landing field owned and operated as such by said city or town, or to purchase, equip, maintain and improve jointly with any such city or town, an airport or landing field; provided, however, that the amount of money that may be so appropriated by said county shall not exceed in any one (1) year, a sum in excess of an amount equal to one-half (1/2) mill levy on the taxable value of all property for tax purposes within said county, for the year in which said appropriation is made.

Levy.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 20, 1931.

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CHAPTER 37.

An Act to Provide for the Validation of Certain Instruments Affecting Real Property, Which do not Contain the Post Office Address of the Grantee, Mortgagee, or Assignee of the Mortgagee, as the Case may be, Which have Heretofore been Recorded in the State of Montana and the Record Thereof and Providing that Duly Certified Copies of the Record Thereof May be Read in Evidence.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any deed, mortgage, or assignment of mortgage which was, previous to the date this Act takes effect, copied into the proper book, kept in the office of the County Clerk and Recorder, shall be deemed to impart, after the date this Act takes effect, notice of its contents to subsequent purchasers and encumbrances notwithstanding the omission therefrom of the post office address of the grantee, mortgagee, or assignee of the mortgagee, as the case may be; and all such instruments heretofore recorded which do not contain the post office address of the grantee, mortgagee, or assignee of the mortgagee, as the case may be, shall be valid and shall have the same force and effect as though the post office address of such grantee, mortgagee, or assignee of the mortgagee were contained therein; but nothing herein shall be deemed to affect the rights of purchasers or encumbrances previous to the date this Act takes effect. Duly certified copies of the record of any such instrument may be read in evidence, with like effect as certified copies of instruments duly recorded containing the post office address of the grantee, mortgagee, or assignee of the mortgagee, as the case may be.

Validating documents without addresses.

Evidence.

Approved February 20, 1931.

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CHAPTER 38.

An Act to Amend Section 5918, of the Revised Codes of Montana of 1921, as Amended by Section 1 of Chapter 28 of the Session Laws of the Nineteenth Legislative Assembly of Montana of 1925, and Sections 5920, 5922 and 5923 of the Revised Codes of Montana of 1921, Relating to the Amendment of Articles of Incorporation of Any Corporation Heretofore or Hereafter Organized Under Any of the Laws of the State of Montana, Whether Formed and Existing Before or After the Taking Effect of the Codes on July 1, 1895, and the Publication and Mailing of Notice of and Organization of and Proceedings at Meeting, and Preparation and Filing of Certificate of Proceedings of Meeting Held Upon Adoption of Amendments to Articles of Incorporation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5918 of the Revised Codes of Montana of 1921, as amended by Section 1 of Chapter 28 of the Session Laws of the Nineteenth Legislative Assembly of Montana of 1925, be, and the same is hereby amended to read as follows:

Section 5918. **Amendment Articles of Incorporation—Purposes.** Any corporation organized under any of the laws of the State of Montana heretofore or hereafter, whether formed and existing before or after the taking effect of the Codes on July 1, 1895, may, in the manner herein provided, amend its articles of incorporation by changing the name, place of business or number of directors, by changing the number, par value, character, class or preference of its shares of capital stock, by increasing or decreasing the capital stock, by changing or extending its powers or business to embrace any power or purpose for which corporations may be organized under the laws of Montana, by extending its term of existence within the limits provided by law, or by an amendment in respect to any other matter which might lawfully have been originally provided in such articles of incorporation, or is now or may be, by law, provided in original articles of incorporation or in amendments thereto.

Purposes for which articles may be amended.

Section 2. That Section 5920 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

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Section 5920. **Publication and Mailing Notice—Waiver.** Written or printed notice of such meeting must be deposited in the post office addressed to each stockholder of record of said corporation entitled to vote at such meeting under the articles of incorporation, or amendments thereto, and the laws and constitution of Montana, at his usual or last known place of residence, at least thirty (30) days previous to the date set for the holding of such meeting; in addition said notice must be published once a week for four (4) successive weeks in a daily or weekly newspaper published in the county wherein the principal place of business of such corporation is situated. If no newspaper is published in said county, it shall not be necessary to publish said notice. In case the holders of two-thirds (2/3) of the stock of such corporation outstanding and entitled to vote as aforesaid, including such proportion of each or any class of stock as may be required by the original or amended articles of incorporation, or two-thirds (2/3) of the members, in case such corporation has no capital stock, shall file in the office of such corporation their written consent to the proposed amendment, publication of such notice shall not be necessary.

Publication and notice of meeting.

Waiver of notice for publication.

Section 3. That Section 5922 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 5922. **Organization of Meeting — Voting.** If at the time and place of said meeting, as specified in said notice, stockholders of said corporation shall appear in person or by proxy in number representing not less than two-thirds (2/3) of the capital stock of the corporation outstanding and entitled to vote under the articles of incorporation, or amendments thereto, and the laws and constitution of Montana, including such proportion of each or any class of stock, as may be required by the original or amended articles of incorporation, or two-thirds (2/3) of the members, in case such corporation has no capital stock, the meeting shall organize by choosing a chairman and secretary and the meeting shall then proceed to vote upon the matter or matters proposed in said notice.

Quorum.

Section 4. That Section 5923 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

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Certificate of proceedings.

Section 5923. **Certificate of Proceedings—Preparation and Filing.** If, on canvassing the votes, it shall appear that at least two-thirds (2/3) of the capital stock of such corporation outstanding and entitled to vote under the articles of incorporation, or amendments thereto, and the laws and constitution of Montana, including such proportion of each or any class of stock, as may be required by the original or amended articles of incorporation, or two-thirds (2/3) of the members, in case such corporation has no capital stock, have voted in favor of the proposition submitted, a certificate of the proceedings showing in all cases a compliance with the provisions of this Act, containing a copy of the resolution adopted and showing the vote thereon, and the number of shares of stock of each class voted thereon, shall be made out, signed and verified by the affidavit of the chairman of such meeting, and countersigned by the secretary of the meeting, and shall be filed in the office of the county clerk of the county where the original articles of incorporation of such corporation were filed, and a copy thereof, certified by such county clerk shall be filed in the office of the Secretary of State. A copy of such certificate shall likewise be filed in the office of the county clerk and recorder of any county to which said corporation may have changed its place of business.

Filing of certificate.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1931.

CHAPTER 39.

An Act to Amend Sections 4, 9, 22 and 30 of Chapter 93 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929, and to Add to Said Act Thirteen New Sections, Numbered 25A, 26A, 26B, 33A, 33B, 59, 60, 61, 62, 63, 64, 65, and 66, Said Amendments and New Sections Relating to the Following Subjects: The Regulation of the Business, Sanitary Inspection and Operation of Creameries, Butter and Cheese Factories, Milk and Cream Receiving Stations and Ice

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Cream Factories; the Definition of Terms, Including the Defining of Butter, Cheese and Ice Cream of Different Varieties, the Definition of Creameries, Cheese Factories, Ice Cream Factories and Milk and Cream Buying and Collecting Stations; Regulating the Collection and Handling of Milk and Cream and the Operation of Milk and Cream Routes; Regulating the Operation of Milk and Cream Stations; Defining the Duties of Railroads and Other Carriers, Their Employees and Agents in Respect to the Rendering of Assistance to the Dairy Department of the State; Regulating the Issuance of Checks in Payment for Milk and Cream; Establishing Standard Butter and Cheese Measure and Regulating Butter and Cheese Containers; Prohibiting the Use of Certain Substitutes for Dairy Products in State Institutions; Providing for the Condemnation of Unfit Dairy Products; Requiring the Pasteurization of Materials Used in the Manufacture of Ice Cream and the Posting of Certain Notices in Places Where Ice Cream is Sold; Establishing Grade Requirements for Milk or Cream Purchased for the Manufacture of Dairy Products; Regulating the Making of Cream Tests; Prohibiting the Use of Tobacco in Certain Places Where Cream is Handled; Regulating the Licensing, Examination and Employment of Cream Graders, Weighers and Samplers; Requiring the Posting of Prices of Butter Fat by Certain Buyers Thereof; Providing Penalties for the Violation of Several Provisions of This Act and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4 of Chapter 93 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929, be, and the same is hereby amended to read as follows:

Section 4. **Definition of Terms.** For the purpose of this Act, the following definitions are hereby adopted: Definitions.

BUTTER is the clean, non-rancid product made by gathering in any manner, the fat of fresh ripened milk or cream into a mass which also contains a small portion of the other milk constituents, with or without salt, and contains not less than eighty per centum (80%) of milk Butter.

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fat. No tolerance for any deficiency in milk fat shall be permitted. Butter may also contain added coloring matter.

Process butter.

RENOVATED BUTTER OR PROCESS BUTTER is the product made by melting and re-working, without the addition or use of chemicals or any substances except whole milk, cream or salt, and contains not less than eighty per centum (80%) of milk fat.

Cheese.

CHEESE is the sound, solid, and ripened product made from milk or cream by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning, and contains, in the water-free substance, not less than fifty per centum (50%) of milk fat, and not more than thirty-nine per centum (39%) of moisture. Cheese may also contain added coloring matter.

Skimmed milk cheese.

SKIMMED MILK CHEESE is the sound, solid and ripened product made from skim milk by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning.

Ice cream.

ICE CREAM is a frozen product made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, dry skim milk, pure milk fat, or wholesome sweet butter, or any combination of any such products, with or without sweetening, clean wholesome eggs or egg products, and with or without the use of harmless flavoring and coloring. Ice Cream shall contain not less than ten per centum (10%) of milk fat, and not less than thirty-three per centum (33%) total solids, and may or may not, contain pure and harmless edible stabilizer. Ice cream may contain not to exceed one per centum (1%) gelatine.

Fruit ice cream.

FRUIT ICE CREAM shall conform to the requirements of ice cream, except that the fruit ingredients shall be from sound, clean and mature fruit, and it may contain not less than nine per centum (9%) of milk fat.

Nut ice cream.

NUT ICE CREAM shall conform to the requirements of ice cream, except that the nut ingredients shall be sound and non-rancid and it may contain not less than nine per centum (9%) of milk fat.

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FRENCH ICE CREAM, French custard ice cream, cooked ice cream, ice custard, parfaits and all similar frozen products, excepting sherbets and water ices, are varieties of ice cream. French ice cream.

CREAMERY. A creamery is a place where the milk or cream furnished by three (3) or more persons, is used for manufacture into butter for commercial purposes. Creamery.

CHEESE FACTORY. A cheese factory is a place where milk furnished by three (3) or more persons, is made into cheese for commercial purposes. Cheese factory.

ICE CREAM FACTORY. An ice cream factory is any place where ice cream is made for sale. Ice cream factory.

MILK OR CREAM BUYING OR COLLECTING STATION. A milk or cream buying, or collecting station is any place where milk or cream is bought or collected for shipment or delivery to a creamery or to any person intending to make use of the same for commercial purposes. Collecting station.

PERSON. The term "person" as used herein shall include all persons, whether natural or artificial, including firms, co-partnerships, corporations and marketing associations of every description. Person.

DEPARTMENT. The term "department" as hereinafter used shall, unless otherwise indicated, refer to the Department of Agriculture, Labor and Industry of the State of Montana. Department.

Section 2. That Section 9 of Chapter 93 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929, be, and the same is hereby amended to read as follows:

Section 9. **Regulation of Persons Collecting Milk and Cream.** It shall hereafter be unlawful for any person regularly engaged in collecting milk or cream upon any established milk or cream route for any creamery, ice cream factory, cheese factory or milk or cream buying or receiving station, to sample such milk or cream for the purpose of testing for butterfat, or to transfer such milk or cream from one (1) can or container to another while in transit, except in a creamery or in a room equipped in conformity with the requirements of this Act governing creameries or cream buying or receiving stations. Regulations for collections.

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Collection of cream on all cream routes shall be made at least every four (4) days.

Section 3. That Section 22 of Chapter 93 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929, be, and the same is hereby amended to read as follows:

Regulations for stations.

Section 22. **Regulation of Milk and Cream Stations.** On and after the effective date of this Act the following regulations shall apply to all stations within the State of Montana where milk or cream is bought or collected for shipment or sale:

The room in which any such station is operated shall contain floor space enough for all necessary equipment in said station, including a cooling tank of sufficient size to hold all cream bought or collected at such station on each day, or other adequate cooling system approved by the Department of Agriculture.

All such stations shall be equipped with a steam boiler of sufficient capacity to furnish enough steam to thoroughly sterilize all milk and cream cans received at such station. No stove or heating apparatus other than a steam boiler shall be used to heat water with which to cleanse utensils used in any cream station. The provisions of this section, however, shall not apply to forwarding stations in which no testing for butterfat is made.

Section 4. That Chapter 93 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929, be, and the same is hereby amended, by adding thereto a new section, to be known as Section 25A, reading as follows:

Assistance.

Section 25A. **Certain Persons Must Assist Commissioner.** All clerks, bookkeepers, express agents, railroad officials, employees or employees of common carriers, shall render to the Dairy Department and his deputies all the assistance in their power in tracing, finding or discovering the presence in any depot, baggage or express car, warehouse or elsewhere, in the custody of such carrier, of any article or commodity mentioned in this law. Refusal or wilful neglect on the part of any of the persons hereinabove named to render such assistance, shall be a misdemeanor and shall be punishable by a fine

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of not less than Twenty-five Dollars ($25.00), nor more than One Hundred Dollars ($100.00), or by imprisonment in the county jail for not less than one (1) month nor more than six (6) months, or by both such fine and imprisonment. Penalty.

Section 5. That Chapter 93 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929, be, and the same is hereby amended, by adding thereto a new section, to be known as Section 26A, reading as follows:

Section 26A. All checks issued by any person, (as the word "person" is defined in this Act), for milk or cream, shall carry a stub, containing the name of the purchaser, the date of receipt, the weight and test of milk or cream, the number of pounds of milk fat, the price per pound, and the grade of cream or milk. The same number on the stub shall appear on the corresponding check and a carbon copy of both check and stub or ledger reference must be kept at the point of purchase in the State of Montana.

Section 6. That Chapter 93 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929, be, and the same is hereby amended by adding thereto, a new section, to be known as Section 26B, reading as follows:

Section 26B. **Standard Cheese Measure.** All cheese offered or exposed for sale, when placed in packages, jars or other containers, in the State of Montana, shall be full marked weight and each package, jar or other container shall have the net weight marked thereon by the manufacturer, which weight shall be exclusive of the package, jar or other container. Standard cheese measure.

Section 7. That Section 30 of Chapter 93 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929, be, and the same is hereby amended to read as follows:

Section 30. **Standard Butter Measure.** The standard measure for the sale of butter, in the State of Montana, shall be sixteen (16) ounces, (avoirdupois weight) to the pound, exclusive of the wrapper or container, no tolerance in deficiency being allowed. All butter sold, offered or exposed to the retail trade, for sale in paper contain- Butter measures.

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ers or wrappers, shall be in packages of one (1) or two (2) pounds, net standard avoirdupois weight, no tolerance for deficiency being allowed; provided, however, that packages of the weight herein specified may be made up of smaller component packages of wrapped butter in multiples of four (4) or eight (8) ounces each. Any violation of the provisions of this section shall constitute a misdemeanor and be punishable as provided in Section 49 of the Act hereby amended.

Section 8. That Chapter 93 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929, be, and the same is hereby amended, by adding thereto a new section, to be known as Section 33A, reading as follows:

Use of certain products in State Institutions prohibited.

Section 33A. **Prohibiting Use of Certain Products in State Institutions.** No oleomargarines, substitute butter, renovated butter, or any other substance designed as an imitation of or substitute for butter, or any condensed milk from which the butterfat has been removed, and a vegetable or other oil has been substituted therefor, shall be used in any of the educational, charitable, hospital, medical, reformatory or penal institutions maintained by the State of Montana, or which receives from the State of Montana, any money, appropriation or financial assistance, whatsoever.

Section 9. That Chapter 93 of the Session Laws of the Twenty-first Legislative Assembly of Montana, of 1929, be, and the same is hereby amended by adding thereto a new section to be known as Section 33B.

Condemnation of unfit products.

Section 33B. **Condemnation of Unfit Products.** The Commissioner of Agriculture, through his agents, or employees, is authorized to condemn any milk, cream, butter, cheese, ice cream or other product of milk, which is found to be impure, unclean, unwholesome or stale, or that is produced, manufactured, handled or kept in an unsanitary place, or that is adulterated; and, he shall have power to mark for identification with a non-toxic substance, any condemned milk or product of milk.

Section 10. That Chapter 93 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929, be, and the same is hereby amended by adding thereto eight new sections to be known as Sections 59, 60, 61, 62, 63, 64, 65 and 66, to read as follows:

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Section 59. **Regulations Governing Purchase of Milk and Cream for the Manufacture of Dairy Products or for Commercial Sweet Cream.** Hereinafter all milk or cream purchased by any person for use in the manufacture of butter, cheese or other dairy products within the State of Montana, shall be graded as follows, and shall conform to the following grade requirements:

Regulations governing purchases.

1. Commercial Sweet Cream: Shall consist of cream that is smooth, free from all undesirable odors, clean to the taste, no off flavors, sweet, and to test not more than twenty one-hundredths (.20) of one per centum (1%) acidity. (This grade of cream should command a premium.)

Commercial sweet cream.

2. Number One Churning Cream: Shall consist of cream that is smooth, free from undesirable odors, clean to the taste, no off flavors, of good physical condition, and shall test not to exceed sixty one-hundredths (.60) of one per centum (1%) acidity. (This grade of cream should be the basis of market price.)

Number one churning cream.

3. Number Two Churning Cream: Shall consist of cream that is too high in acid to grade as number one churning cream, that is yeasty, foamy, metallic or contains foreign odors and flavors, or either of them, in a moderate degree, or is slightly stale, and that is edible, but does not meet the requirements of first grade cream.

Number two churning cream.

4. Unlawful Cream: All other cream shall be considered as unlawful, and shall consist of cream that is old, musty, rancid, dirty or with marked undesirable odors, and shall not be sold, purchased, or used for any food purposes whatsoever. (Cream of this character will be condemned.)

Unlawful cream.

5. Penalty: Failure to comply with the requirements of this section, shall constitute a misdemeanor, punishable as provided in Section 49 of the Act, to which this section is added. In addition, if the purchaser is a licensed creamery, cheese factory, ice cream factory, or milk or cream buying or collecting station, or a licensed cream grader, weigher or sampler, such purchaser shall be subject to a revocation of his or its license.

Penalty.

Section 60. **Alkaline Rapid Test.** The alkaline rapid test with phenolphthalein indicator, shall be used in determining the acidity of all cream purchased by cream stations, creameries or plants where cream is purchased

Alkaline rapid test.

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for commercial sweet cream or to be manufactured into butter, cheese, ice cream, or other dairy products, or on all cream routes. The testing solution used to be standardized by the State Dairy Department.

Section 61. All milk used in the manufacture of butter, ice cream, or cheese must conform to the standard grading for cream.

Use of tobacco.

Section 62. **Use of Tobacco.** The use of tobacco in any form, in that part of a creamery, receiving station or manufacturing plant, where cream or milk is sampled, weighed, graded, churned or pasteurized, is hereby prohibited.

Cream graders, weighers and samplers.

Section 63. **Cream Graders, Weighers and Samplers.** All persons, firms, co-partnerships, corporations or marketing associations of every description, receiving or purchasing milk or cream, and all persons collecting on milk or cream routes, milk or cream for the manufacture of cheese, ice cream or butter or for distribution as commercial sweet cream, shall provide a licensed cream grader, weigher and sampler at each point where milk or cream is purchased.

License and examination

Section 64. **Cream Grader, Weigher and Sampler License and Examination.** No person shall grade, weigh or sample any milk or cream used or to be used in the manufacture of butter, cheese or other dairy products in the State of Montana, without first procuring a license as a cream grader, weigher and sampler from the Department of Agriculture, and passing such examination therefor as may be provided by said department; provided, however, that temporary permits pending the taking of such examination may be issued by the department for a period of not to exceed thirty (30) days. A fee of Two Dollars ($2.00) shall be paid by the applicant for such license or permit and said license shall expire and be renewable on December 31st of each year.

Unlicensed persons prohibited.

Section 65. **Employment Unlicensed Persons Prohibited.** Any creamery, cheese factory or other buyer of milk products for manufacturing purposes, who shall knowingly employ as a Babcock Test operator or as a milk and cream grader, weigher and sampler, any person whose license as such, has been revoked, shall be subject to a revocation of its own license.

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Section 66. **Posting Price of Butter Fat Required.** All creameries, cheese factories or other buyers of milk products for direct sale or for manufacturing purposes, shall post each day in some conspicuous place in their factory or place of business, a schedule of the prices, which they pay for butter fat.

Posting price of butter fat required.

Section 11. The violating of any of the provisions of this Act for which no other penalty is provided, shall constitute a misdemeanor and be punishable as provided in Section 49 of Chapter 93 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929.

Penalties.

Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 13. This Act shall take effect and be in full force upon its passage and approval.

Approved February 20, 1931.

CHAPTER 40.

An Act to Amend Sections 5946 and 5950 of the Revised Codes of Montana of 1921, Relating to the Representation of Stockholders at Meetings, Elections, or Votes of Corporations Heretofore or Hereafter Organized Under Any of the Laws of Montana, Whether Formed and Existing Before or After the Taking Effect of the Codes on July 1, 1895.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5946 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Section 5946. **Majority of Voting Stock Must Be Represented.** Except as hereinafter provided, at all meetings, elections or votes of any corporation heretofore or hereafter organized under any of the laws of Montana, whether formed and existing before or after the taking effect of the Codes on July 1, 1895, had for any purpose, there must be a majority of the outstanding capital stock of the corporation, entitled under the articles of incorporation, and the amendments thereto and the laws and

Majority of voting stock necessary for a quorum.

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constitution of Montana to vote at such meeting, election or vote, or a majority of the members, represented either in person or by proxy, in writing; provided that any corporation heretofore organized under any of the laws of Montana, whether formed and existing before or after the taking effect of the Codes on July 1, 1895, or that may hereafter be formed under this Chapter, may by its by-laws prescribe the proportion of its outstanding capital stock entitled to vote, as hereinbefore provided, or of its members, represented in person or by proxy, which shall constitute a quorum at any regular annual meeting of such corporation, held at the time and place prescribed in its by-laws, for the election of directors, and for all votes upon matters properly coming before such annual meeting without special notice thereof. Each share of stock entitled under the articles of incorporation, or amendments thereto and the laws and constitution of Montana, to be voted, may, at every meeting of the stockholders, be voted by the holder of record thereof on the books of the corporation, or proxy, and except where the transfer books of the corporation shall have been closed, or a date shall have been fixed as a record date for the determination of its stockholders entitled to vote, as hereinafter provided, no share of stock shall be voted on at any election of directors which shall have been transferred on the books of the corporation within ten (10) days next preceding such election of directors. The board of directors shall have power to close the stock transfer books of the corporation for a period not exceeding forty (40) days preceding the date of any meeting of stockholders or election or vote; provided, however, that in lieu of closing the stock transfer books as aforesaid, the by-laws may fix or authorize the board of directors to fix in advance a date, not exceeding forty (40) days preceding the date of any meeting of stockholders, election or vote, as a record date for the determination of the stockholders entitled to notice of and to vote at any such meeting, election or vote, and in such case such stockholders, and only such stockholders, as shall be stockholders of record on the date so fixed of stock entitled to vote as aforesaid, shall be entitled to such notice of and to vote at such meeting, election or vote, notwithstanding any transfer of any stock on the books of the corporation after any such record date fixed as aforesaid. Any vote or election had other than in

Transfer books may be closed.

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accordance with the provisions of this article is voidable at the instance of any stockholders entitled to be represented and vote, or members, and may be set aside by petition to the district court of the county where the same was held. Any regular or called meeting of the stockholders or members may adjourn from day to day, or from time to time. If for any reason there is not present a quorum as hereinbefore provided, of the outstanding stock entitled to vote, or members, or no election had, the stockholders or members present or represented may adjourn, and such adjournment and the reasons therefor shall be recorded in the journal of the proceedings of the meetings of stockholders.

Voidable.

Section 2. That Section 5950 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Section 5950. **Meeting by Consent Valid.** When all the stockholders, entitled under the articles of incorporation, and the amendments thereto and the laws and constitution of Montana, to vote at such meeting, or members, of any corporation organized under any of the laws of Montana, whether formed and existing before or after the taking effect of the Codes on July 1, 1895, are present at any meeting, however called or notified, and sign a written consent thereto on the record of such meeting, the acts and proceedings of such meeting are as valid as if had at a meeting legally called and noticed.

Meeting by consent valid.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1931.

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CHAPTER 41.

An Act to Amend Section 3725 of the Revised Codes of Montana, as Amended by Section 21 of Chapter 59, Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, Relating to the Possession of Game Fish, Game and Non-Game Birds, Game and Fur-Bearing Animals, Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3725 of the Revised Codes of Montana, as amended by Section 21 of Chapter 59, Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, be, and the same is hereby amended to read as follows:

Section 3725. The possession of dead bodies, or any part thereof, of any of the game fish, game or non-game birds, game or fur-bearing animals defined by the Fish and Game Laws of the State of Montana, shall be prima facie evidence that such person or persons in whose possession the same are found have killed, caught, or taken the same, and the possession of a fishing rod and line, spear, gig or barbed fork, on the banks or shores of a stream or lake shall be prima facie evidence that the person or persons in whose possession the same are found was using the same to fish.

Possession as prima facie evidence.

Any person who shall possess, have, or hold, or purchase, or keep in storage, or possess for any other purpose, any game fish, game bird, non-game bird, game animal, fur-bearing animal, or parts thereof, which shall have been unlawfully killed, captured, or taken, or who shall unlawfully use any fishing rod and line, or fishing lines, spear, gig or barbed fork, shall be guilty of a misdemeanor punishable as hereinafter provided.

Penalty.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1931.

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CHAPTER 42.

An Act to Amend Section 6004 of the Revised Codes of Montana of 1921, Relating to the Powers of Corporations Heretofore or Hereafter Organized Under Any of the Laws of the Territory or State of Montana, Whether Formed and Existing Before or After the Taking Effect of the Codes on July 1, 1895, to Sell, Lease, Mortgage, Exchange or Otherwise Dispose of All or Any Part of the Property of Such Corporation; and to Authorize and Empower Such Corporation to, by By-Law, Empower its Board of Directors to Sell, Lease, Mortgage, Exchange or Otherwise Dispose of the Whole or Any Part of the Property of Such Corporation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6004 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 6004. **Procedure for Sale, Lease, Etc., of Corporate Property.** The board of directors or trustees of any stock corporation heretofore or hereafter organized under the laws of the Territory or State of Montana, whether formed and existing before or after the taking effect of the Codes on July 1, 1895, whether solvent or insolvent, whether a going concern or otherwise, including mining corporations, shall have power, and upon request of stockholders representing at least one-half (½) of the capital stock outstanding and of record on the books of the corporation, and entitled, under the articles of incorporation, or amendments thereto, and the laws and constitution of Montana, to vote at the meeting hereinafter provided for, it shall be their duty to call by resolution a meeting of the stockholders of such corporation, appearing as such upon its books, and entitled to vote at such meeting, as aforesaid, for the purpose of considering the question of selling, leasing, mortgaging, exchanging, or otherwise disposing of the whole or any part of the property and assets of every kind and description of such corporation, for property, or for the whole or part of the capital stock of any other corporation, whether domestic or foreign, or otherwise. Such meeting shall be held at the principal place of business of such corporation, and at least thirty (30) days previous notice of the time and place of such meeting shall

Procedure for selling or leasing corporate property.

Vote necessary.

Resolution.

Place of meeting.

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be given to each person who appears as a stockholder upon the books of the corporation and is entitled to vote at such meeting, as aforesaid. The secretary of the corporation shall make out and deposit in the United States Post Office, postage paid, a notice of such meeting, directed to each stockholder of record of the corporation, entitled to vote at such meeting, as aforesaid, by his name and his place of residence appearing on said records, and shall make and file his affidavit of such deposit. Such notice shall be considered as given upon the deposit of the same in the post office, as above required. The notice shall state the time, place, and the purpose of the meeting, and shall contain a complete and specific statement of the proposal to be considered and acted upon at said meeting, including in all cases where only a part of the property of such corporation is affected, a general description of the property proposed to be sold, leased, mortgaged, exchanged, or otherwise disposed of. A similar notice shall also be published at least once a week for at least four (4) consecutive weeks preceding the day of said meeting, in some newspaper of general circulation published in the county wherein the principal place of business of such corporation is located, or if there is no newspaper published in said county, then in the nearest county thereto wherein a newspaper is published, and said publication shall be proven by affidavit of the publisher or clerk of such newspaper, filed with the secretary of such corporation. Upon the day appointed for said meeting, if stockholders representing at least two-thirds (2/3) of the whole number of shares of the capital stock of the corporation then outstanding, and of record on the books of the corporation, and entitled to vote at such meeting, as aforesaid, appear in person or by agents or proxies filed with the secretary, the stockholders shall organize by electing one (1) of their number chairman, and some suitable person secretary. Thereupon any proposition for the sale, lease, mortgaging, exchange, or other disposition of the whole or any part of the property and assets of every kind and description of such corporation, for property, or for the whole or part of the capital stock of any other corporation, whether domestic or foreign, or otherwise, may be considered and acted upon by said meeting, and if stockholders representing at least two-thirds (2/3) of the whole number of shares of the capital stock of said cor-

Notice.

Publication.

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poration then outstanding, and of record on the books of the corporation, and entitled, as aforesaid, to vote at such meeting, appearing at said meeting in person or by agents or proxies, as above provided, vote in favor of any such proposition, whether proposed by the directors or trustees, or not, as said stockholders may see fit, which proposition shall be in the form of a resolution specifying the particulars thereof and entered on the minutes of said stockholders' meeting, the said proposition or resolution shall be taken and adopted as the act of the corporation, and shall be carried out as such, and shall be approved and adopted by the board of directors or trustees; provided that, if the corporation shall have, by provision in its original or amended articles of incorporation, fixed the proportions of each or any class of capital stock, then outstanding and entitled to vote, as aforesaid, which is required to be represented at the meeting, and voted in favor of the adoption of any such proposition or resolution, then the representation and vote required shall also be in accordance with such provision in such original or amended articles of incorporation, as well as in accordance with the foregoing provisions that the holders of at least two-thirds (2/3) of the whole number of shares of the capital stock of the corporation, then outstanding and entitled to vote, as aforesaid, be present or represented and vote in favor of the adoption of such proposition or resolution. The secretary of such meeting shall enter upon the minutes of said stockholders' meeting the total number of shares, and the number of shares of each class, voted for or against the proposition or resolution, and by whom voted, and stockholders voting against said proposition or resolution shall be taken as dissenting therefrom. Upon the adoption of any proposition or resolution such as above referred to, by the stockholders' meeting, the secretary of the meeting shall make out a true and complete copy of the minutes of the stockholders' meeting, which shall be signed by the chairman of such meeting, and attested by said secretary and verified by them and acknowledged as required in the case of conveyance of real estate, and shall file the same for record in the office of the county clerk and recorder of the county wherein the principal office or place of business of such corporation is situated, and also in the office of the county clerk and recorder of any other counties wherein any of the real property included in the proposi-

Proviso.

Minutes.

Recording copy of minutes.

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tion or resolution adopted by said stockholders' meeting is situated, and said record shall impart notice and have the same effect as other instruments required by law to be recorded, and such copies so filed and recorded, or the record thereof, or the certified copy of such record, shall be prima facie evidence of the matters and facts therein stated, and thereupon, and upon the adoption and approval by the board of directors or trustees of the corporation of such proposition or resolution, the corporation and its officers shall have full power and authority to do all acts and to execute all conveyances or other instruments in writing which are necessary or proper to carry out the said proposition or resolution, and the sale, lease, mortgage, exchange, or other conveyance of the whole or any part of the property of said corporation, authorized by said proposition or resolution, shall thereupon take effect and have the same force as if all the stockholders of the corporation had consented thereto; provided, that nothing contained in this Act shall be deemed to limit or restrict the powers of the board of directors or trustees of such corporation in relation to the disposition of property or the conduct of business; nor shall this Act be so construed as to affect any cases now pending in the courts of this State or of the United States; provided, further, that at any meeting of the stockholders of any corporation called and noticed in the manner provided by this section, the stockholders may, by the vote of the holders of two-thirds (2/3) of the issued and outstanding stock of record on the books of the corporation, and entitled, under the articles of incorporation, and the amendments thereto, and the laws and constitution of Montana, to vote at the meeting, in lieu of the resolution hereinbefore provided for, adopt a by-law giving the board of directors of such corporation such general authority to sell, lease, mortgage, exchange or otherwise dispose of the whole or any part of the property and assets of every kind and description of such corporation, for property, or for the whole or part of the capital stock of any other corporation, whether domestic or foreign, or otherwise, as the stockholders by such by-law may prescribe; provided that, if the corporation shall have, by provision in its original or amended articles of incorporation, fixed the proportions of each or any class of capital stock, then outstanding and entitled to vote, as aforesaid, which is required to be represented at the

Power granted in by-laws.

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meeting, and voted in favor of the adoption of such by-law, then the representation and vote required shall also be in accordance with the provision in such original or amended articles of incorporation, as well as in accordance with the foregoing provisions that the holders of at least two-thirds (2/3) of the issued and outstanding stock of record on the books of the corporation, and entitled to vote, as aforesaid, must vote in favor of the adoption of such by-law. The resolution calling the meeting and the notice mailed to stockholders and published shall state that the meeting is called for the purpose of considering the adoption of a by-law empowering the board of directors of the corporation to sell, lease, mortgage, exchange, or otherwise dispose of the whole or any part of the property and assets of every kind and description of such corporation, for property, or for the whole or part of the capital stock of any other corporation, whether domestic or foreign, or otherwise. In all other respects notice shall be given and the meeting shall be had and a copy of the minutes thereof shall be filed as provided by this section. In case such by-law be adopted at said meeting the board of directors shall thereafter have the authority granted thereby so long as said by-law shall remain in force, but any by-law so adopted may be repealed by a vote of the holders of two-thirds (2/3) of the issued and outstanding stock of the corporation entitled under the articles of incorporation, and amendments thereto, and the laws and constitution of Montana, to vote at a meeting hereinabove, in this section, provided for, at any annual meeting of the stockholders or at any special meeting of the stockholders called in the manner provided by this section.

Contents of notice.

May repeal by-law.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1931.

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CHAPTER 43.

An Act to Amend Section 5119 of the Revised Codes of Montana, of 1921, as Amended by Section 3 of Chapter 58 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, Relating to the Levy of a Special Tax for Maintaining Disability and Pension Fund of the Fire Department Relief Association of a City or Town; Providing for Increase of Such Levy and Extending the Provisions Thereof to a Municipality Established Under Special or Local Law, Passed by the Legislative Assembly and Adopted by the Electors Entitled to Vote Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5119 of the Revised Codes of Montana, of 1921, as amended by Section 3 of Chapter 58 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, be amended to read as follows:

Disability or pension fund tax levy.

Section 5119. **Tax Levy for Fund.** For the purpose of maintaining said disability and pension fund of such fire department relief association, in an amount equal to three-fourths (¾) of one per centum (1%) of the taxable valuation of all taxable property within the limits of the city, town or municipality, the city or town council or the commission or other proper authority of any municipality that is now or may hereafter be established under special or local law passed by the Legislative Assembly and adopted by the electors entitled to vote thereon, must annually at all times when the said relief association fund contains an amount less than three-fourths (¾) of one per centum (1%) of the taxable valuation of all taxable property within the limits of the city, town or municipality, in the manner provided by law, and at the time of the levy of the annual tax, levy a special tax of not less than one-tenth (1/10) of one (1) mill nor more than two-tenths (2/10) of one (1) mill on the dollar upon the taxable valuation of all taxable property assessed for taxes within the limits of said city, town or municipality, which said taxes shall be collected as other taxes and when so collected shall be paid into the disability and pension fund of the fire department relief association of said city, town or municipality.

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Section 2. That all Acts and parts of Acts in conflict herewith shall be repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1931.

CHAPTER 44.

An Act Designating and Empowering the State Examiner to Sign All Trustee and Deposit Receipts and Releases Required to be Signed for and on Behalf of the State of Montana in All Cases Relating to the Deposit of County, City, and Town Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Examiner of the State of Montana is hereby designated and empowered to sign all trustee and deposit receipts and releases required to be signed for and on behalf of the State of Montana in all cases where negotiable securities are placed in trust with a trustee or trustees in lieu of the actual securities, for security of county, city, and town deposits, under the laws of the State of Montana relating to the deposit of county, city, and town funds.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1931.

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CHAPTER 45.

An Act to Authorize Any Corporation Heretofore or Hereafter Organized Under Any of the Laws of Montana, Whether Formed and Existing Before or After the Taking Effect of the Codes on July 1, 1895, to Close the Stock Transfer Books for a Period Preceding, or Fix a Date for the Determination of Stock Ownership Previous to, the Date for Payment of Any Dividend, Date for the Allotment of Rights, Date for Change or Conversion or Exchange of Capital Stock, or Date for Any Other Corporate Action or Proceeding.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That any corporation heretofore or hereafter organized under any of the laws of Montana, whether formed and existing before or after the taking effect of the Codes on July 1, 1895, shall have power, by action of its board of directors, to close the stock transfer books of the corporation for a period not exceeding forty (40) days preceding the date for the payment of any dividend, or the date for the allotment of rights, or the date when any change or conversion or exchange of capital stock shall go into effect, or the date for any other corporate action or proceeding; provided, however, that in lieu of closing the stock transfer books as aforesaid, the by-laws may fix, or authorize the board of directors to fix, in advance, a date, not exceeding forty (40) days preceding the date of the payment of any dividend, or the date for the allotment of rights, or the date when any change or conversion or exchange of capital stock shall go into effect, or the date for any other corporate action or proceeding, as a record date for the determination of the stockholders entitled to receive payment of any such dividend, or any such allotment of rights, or to exercise the rights in respect of any such change or conversion or exchange of capital stock, or entitled to participate in or benefit by such other corporate action or proceeding, and, in such case, such stockholders, and only such stockholders, as shall be stockholders of record on the date so fixed, shall be entitled to receive payment of such dividend, or to receive such allotment of rights, or to exercise such rights of change or conversion or exchange of stock, or to participate in or benefit by such other corporate action or proceeding,

Closing stock transfer book for payment of dividends or other procedure.

By-laws may fix date or limit.

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notwithstanding any transfer of any stock on the books of the corporation, after any such record date fixed as aforesaid.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1931.

CHAPTER 46.

An Act Relating to the Destruction of Satisfied Chattel Mortgages and Contracts of Conditional Sale, Together With the Written Satisfaction Thereof by the County Clerk and Recorder Ten (10) Years After Such Satisfaction is Made.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any chattel mortgage or contract of conditional sale on file in the office of the County Clerk and Recorder of any county within the State of Montana, which has been previously satisfied either by written satisfaction or marginal satisfaction, may, at any time after ten (10) years from the date of such satisfaction, be destroyed by the County Clerk and Recorder in the presence of the County Commissioners, and any written satisfaction thereof filed may be likewise destroyed at said time.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 20, 1931.

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CHAPTER 47.

An Act to Amend Section 6008, Revised Codes of Montana of 1921, Relating to Records of Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6008, Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows, to-wit:

Corporate records, what same shall consist of and how kept.

Section 6008. **Corporate Records—To Consist of What, and How Kept.** All corporations for profit are required to keep a record of all their business transactions; a journal of all meetings of their directors, members, or stockholders, with the time and place of holding the same, whether regular or special, and if special, its object, how authorized, and the notice thereof given. The record must embrace every act done or ordered to be done; who were present, and, in the record of directors' meetings, who absent. If requested by any director, member, or stockholder, the time must be noted when he entered the meeting or obtained leave of absence therefrom. On a similar request, the ayes and noes must be taken on any proposition, and a record thereof made. On a similar request, the protest of any director, member, or stockholder, to any action or proposed action, must be entered in full, and such records must be open to the inspection of any director, member, stockholder, or creditor of the corporation; provided, that in lieu of embracing in the record of stockholders' or members' meetings who were present, a list showing the names of those present at any such meeting, certified by the chairman and secretary thereof, may be filed and kept in the office of the secretary of the corporation.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1931.

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CHAPTER 48.

An Act to Amend Section 6723 of the Revised Codes of Montana, 1921, Relating to the Enumeration of Estates in Real Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6723 of the Revised Codes of Montana, 1921, be, and the same is amended to read as follows:

Section 6723. Estates in real property, in respect to the duration of their enjoyment, are either:

1. Estates of inheritance or perpetual estates;

2. Estates for life;

3. Estates for years;

4. Estates from year to year, quarter to quarter, month to month, week to week, day to day, and for other indefinite and unascertained durations of enjoyment whatsoever, except estates or tenancies at will; or

5. Estates at will.

Section 2. This Act shall be in full force and effect after its passage and approval.

Approved February 23, 1931.

CHAPTER 49.

An Act to Amend Section 6727 of the Revised Codes of Montana of 1921, Defining or Relating to Freeholds, Chattels Real and Chattel Interests, and Providing That Chattel Interests Are Not Subject to Execution.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6727 of the Revised Codes of Montana of 1921, be, and the same is amended to read as follows:

Section 6727. Estates of inheritance and for life are called estates of freehold; estates for years and estates embraced by the provisions of the fourth division of Sec-

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tion 6723, are chattels real; and estates at will are chattel interests, but are not liable as such to sale on execution.

Section 2. This Act shall be in force and effect after its passage and approval.

Approved February 23, 1931.

CHAPTER 50.

An Act to Amend Section 6744 of the Revised Codes of Montana of 1921, Relating to the Termination of a Tenancy or Other Estate at Will.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6744 of the Revised Codes of Montana of 1921, be, and the same is amended to read as follows:

Section 6744. A tenancy or other estate at will, however created, may be terminated by the landlord's giving notice in writing to the tenant, in the manner prescribed by the Code of Civil Procedure, to remove from the premises within a period of not less than one (1) month, to be specified in the notice; but none of the estates or tenancies embraced by the provisions of division four (4) of Section 6723 is a tenancy or estate at will.

Section 2. This Act shall be in force and effect after its passage and approval.

Approved February 23, 1931.

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CHAPTER 51.

An Act Legalizing and Validating All Elections Heretofore Held in Any City of This State Authorizing the Creation or Increase of the Indebtedness of Such City, Within Three Per Centum (3%) of the Value of the Taxable Property of Such City, for Any of the Purposes Set Forth in Subdivision 64, Section 5039, R. C. M. 1921, as Amended, Which Elections Were Held After Notice Given as Provided in Section 5279 R. C. M. 1921, and at Which the Proposal to Increase Said Indebtedness Received a Majority of All Votes Tendered and of All Votes Cast at Such Election.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That any election heretofore held for the purpose of authorizing any city of the State of Montana to create or increase the indebtedness of such city, not exceeding three per centum (3%) of the value of the taxable property of such city, by issuing bonds for any of the purposes set forth in subdivision 64 of Section 5039, R. C. M. 1921, as amended, which election was held after notice stating the time and place of holding the election, the amount and character of the bonds proposed to be issued and the purpose thereof, was published and posted for the time and in the manner required by Section 5279, R. C. M. 1921, and at which election the proposal to increase said indebtedness and to issue such bonds received a majority of all votes tendered and of the votes cast at such election upon such proposition, be, and the same is hereby legalized, ratified, confirmed, and declared valid to all intents and purposes, and all such bonds whether issued or hereafter to be issued are legalized and declared to be valid and legal obligations of and against the city issuing the same regardless of any error, defect, omission, irregularity or departure from statute in the holding or conduct of such election, or registration therefor, or in any of the steps or proceedings relating thereto.

Legalizing bond issue.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1931.

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CHAPTER 52.

An Act Providing for the Incorporation of Mortuary, Undertaking, Crematory, Mausoleum and Real Estate Companies for Profit and Validating the Charters of Such Companies Heretofore Incorporated.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That undertaking, mortuary, crematory, mausoleum and real estate companies may be incorporated under the general laws of this State governing corporations for profits, either for that purpose alone or in connection with other purposes.

Section 2. That all associations or companies which have heretofore obtained charters under the general laws governing corporations for profit, authorizing the operation of undertaking, mortuary, crematory, mausoleum or real estate companies, either alone or in connection with other purposes, are hereby declared to be valid and legal corporations for the purposes specified in their charters, including the operation of undertaking, mortuaries, crematories or mausoleums; and also to include the right to purchase, acquire, own, hold, mortgage, pledge, sell, assign, transfer, or otherwise dispose of real property.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1931.

CHAPTER 53.

An Act Relating to the Days of Employment of Policemen in Cities of the First and Second Class.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That each member of the police force in every city of the first and second class shall be given one (1) day off duty in each eight (8) day period without loss of compensation.

Section 2. All Acts and parts of Acts conflicting herewith are hereby repealed.

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Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1931.

CHAPTER 54.

An Act to Amend Section 351 of the Revised Codes of Montana of 1921, as Amended by Section 4 of Chapter 40 of the Session Laws of the Eighteenth Legislative Assembly, 1923, Section 353 of the Revised Codes of Montana of 1921, and Section 3 of Chapter 40, Enacted as Section 350B, of the Session Laws of the Eighteenth Legislative Assembly, 1923, Relating to Hail Insurance; Providing for the Levy and Collection of Taxes on All Lands Subject to Injury or Destruction by Hail of All Tax Payers Who May Elect to Become Subject to the Provisions of This Act; Providing for Partial Cancellation of Insurance in Case of Destruction by Other Causes than Hail; and Providing for Cash Payments, With Discount, or Lien Where Delinquent Taxes Would Otherwise Bar Application.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 351 of the Revised Codes of Montana of 1921, as amended by Section 4 of Chapter 40 of the Session Laws of the Eighteenth Legislative Assembly, 1923, be, and the same is hereby amended to read as follows:

Section 351. A tax is hereby authorized and directed to be levied on all lands in this state growing crops subject to injury or destruction by hail, the owners of which have elected to become subject to the provisions of this Act. The State Board of Hail Insurance shall annually estimate as near as may be possible, the amount required to pay all losses, interest on warrants and costs of administration, and shall recommend a levy to be made on each kind of land respectively, subject to the provisions of this Act, to the State Board of Equalization; provided, however, that such tax shall not exceed in any one (1) year the sum of One Dollar ($1.00) per acre on lands sown to grain crops, nor Fifty Cents (50c) per acre on

Tax for hail insurance.

Amount.

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lands sown to hay crops; and provided further, that if the tax required to pay the estimated losses, interest on warrants and costs of administration be less than Fifty Cents (50c) per acre on lands sown to grain crops and a proportionate amount on lands sown to hay crops, the said Board of Hail Insurance must recommend a tax levy sufficient to raise the full amount thereof. In addition to the lien created above on the land of the insured, the levy for such hail insurance shall also constitute a lien on the crops insured with the exception that the said crop lien shall not apply to owners of unencumbered land, or on the land or crops of those who pay cash for hail insurance. The applications of these shall not be filed with the county clerk and recorder as provided for in Section 350B of this Act.

Crop liens.

The crop lien mentioned above shall be included in all applications for hail insurance and shall be enforced, as provided in Section 354 and 354A of this Act, against all insured, except those owning unencumbered land or those who have paid cash for hail insurance.

Lien on land.

Mortgages.

The said Board of Equalization is hereby empowered and it is made its duty to prescribe such levies annually to be made against lands growing crops subject to injury or destruction by hail which are subject to this Act, in accordance with the recommendation of the State Board of Hail Insurance. Such tax levies respectively shall be chargeable to the lands of each taxpayer who shall elect to become subject to this Act and shall be extended on the tax roll and collected by the officers charged with such duties in the manner and form as are other property taxes and if not paid shall be a lien on the lands against which the same are levied as are other property taxes. Provided, however, that the lien as provided above shall in no way affect mortgages that are of record at the time of the approval of this Act. The lien of any mortgage filed subsequent to the passage and approval of this Act shall be subsequent to any lien for hail insurance hereafter levied thereon. All applicants securing hail insurance on crop liens as heretofore provided shall be subject to the same charges per acre as provided herein to be made on land. Notice of such assessment shall be mailed to each person insured, by the county treasurer in the same manner as are all other notices of taxes due. Said assessment shall be payable

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at the office of the county treasurers of each respective county. All hail insurance levies whether levied against land, or in the form of special assessments secured by crop liens, shall be payable in full, and not in semi-annual payments, on or before November the thirtieth (30) of each year in which such levies are made.

How payable.

The State Board of Hail Insurance may when they deem it advisable establish as many districts as it deems advisable and may maintain maximum rates in various parts of the state which rates shall be commensurate with the risk incurred as nearly as they can determine from past experiences or from any records available. The highest of these rates shall be the same as the maximum established herein and the lowest shall not be less than Fifty Cents (50c) per acre on lands sown to grain crops, and a proportionate amount on lands sown to hay crops. Notice of the various rates established for any year shall be plainly printed on the applications for hail insurance, and in any year when the requirements of the hail insurance law as herein provided do not require a levy of the maximum rates as established, then the rates for the year shall be determined and levied by the State Board of Hail Insurance for each of the various districts as established, in such proportions as will in their judgment be fair and equitable.

Districts.

Limits.

Section 2. That Section 353 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Section 353. When any crop insured under this Act shall have been destroyed by any other cause than hail, the applicant may, by furnishing the proof required by the State Board of Hail Insurance, cause the crop to be withdrawn from the regular levy of the State Board for the current year. Such proof shall be submitted to the State Board of Hail Insurance in accordance with its rules and regulations. Said rules and regulations shall be plainly printed on the applications and policies issued by the department. They shall provide that the cost for such withdrawn insurance shall be varied as nearly as practical according to the time the insurance is in force and according to the risk carried.

Proof of loss through other means.

Section 3. That Section 3 of Chapter 40, enacted as Section 350B, of the Session Laws of the Eighteenth Leg-

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islative Assembly, 1923, be, and the same is hereby amended to read as follows:

Delinquent taxes.

Section 350B. No owner of land who has more than one (1) year's delinquent taxes on his land shall be allowed hail insurance under the provisions of this Act, unless his application is accompanied by a cash payment for the amount that would be due on said application in the event of a maximum levy for that year.

Discount.

Provided, however, that when any applicant for hail insurance tenders cash for the same to the county assessor, he shall be allowed a discount of four per centum (4%). His hail insurance shall be issued upon said cash payment, less the four per centum (4%) discount mentioned. The charge for the insurance shall be based on the maximum rates shown on the applications for hail insurance. If the current rates are reduced later the State Board of Hail Insurance shall arrange for the proper refund to the insured. All cash received by the assessor shall be promptly turned over to the county treasurer who will furnish the insured with a current receipt and place the money in the hail insurance fund.

Application by delinquents.

Provided, however, any grain grower unable to secure state hail insurance under the provisions of this Act on account of delinquent taxes or for other reasons, may make application to the county assessor of his respective county and said county assessor is hereby authorized to receive and accept such applications where the applicant furnishes a sufficient crop lien subject only to a seed lien. Provided, that such crop lien shall be accepted only under such rules, regulations and requirements as may be prescribed by the State Board of Hail Insurance and providing that the State Board of Hail Insurance may cancel any hail insurance accepted in violation of said rules, regulations and requirements. Upon receipt of said application the county assessor shall make record thereof and shall file the original in the office of the clerk and recorder of said county. He shall also cause an assessment for the proper amount to be made on the assessment rolls in the same manner provided for in the case of other special levies or assessments.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 25, 1931.

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CHAPTER 55.

An Act to Amend Section 6339 of the Revised Codes of Montana of 1921, Relating to the Payment of Death and Annuity Benefits Upon Lives of Children; Providing for the Organization and Operation of a Branch of the Society for Children, and Providing for the Amount of Benefits Payable Thereunder.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6339 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 6339. Any fraternal benefit society authorized to do business in this State and operating on the lodge plan, may provide in its constitution and by-laws, in addition to other benefits provided for therein, for the payment of death or annuity benefits upon the lives of children between the ages of one (1) and sixteen (16) years at next birthday, for whose support and maintenance a member of such society is responsible. Any such society may, at its option, organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society. The total benefits payable as above provided shall in no case exceed the following amounts at ages at next birthday at time of death, respectively, as follows:

Authorization of annuity benefits to children.

One, One Hundred Dollars ($100.00); two, Two Hundred Dollars ($200.00); three, Three Hundred Dollars ($300.00); four, Four Hundred Dollars ($400.00); five, Five Hundred Dollars ($500.00); six, Six Hundred Dollars ($600.00); seven, Seven Hundred Dollars ($700.00); eight, Eight Hundred Dollars ($800.00); nine, Nine Hundred Dollars ($900.00); ten, One Thousand Dollars ($1000.00); eleven to sixteen, Two Thousand Five Hundred Dollars ($2500.00).

Amounts.

Section 2. All Acts and parts of Acts conflicting herewith are hereby repealed.

Approved February 25, 1931.

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CHAPTER 56.

An Act to Repeal Sections 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169 and 1170 of the Revised Codes of Montana of 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169 and 1170 of the Revised Codes of Montana of 1921 are hereby repealed.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1931.

CHAPTER 57.

An Act Providing a Lien for the Value of Services Rendered by Any Physician, Nurse or Hospital, in the Treatment or Care of Any Person Injured Through the Fault or Neglect of Another; Defining the Manner of Perfecting Such Lien and Providing to What it Shall Attach and the Liability Thereupon.

Be it enacted by the Legislative Assembly of the State of Montana:

Liens of physician, nurse or hospital.

Section 1. Whenever a physician, nurse or hospital shall render services in the treatment or care of any person injured through the fault or neglect of another, such physician, nurse or hospital shall have a lien for the value of such services upon the claim and cause of action for such injury, or death resulting therefrom, and upon any judgment recovered on account thereof, and upon all moneys paid in satisfaction of such judgment or in settlement of such claim or cause of action, upon giving notice and complying with the requirements of this Act. Such lien, however, shall be subject to any attorney's lien provided for in Section 8993 of the Revised Codes of Montana of 1921. Provided, however, that no lien under this Section shall exceed the provisions of the schedule of fees as adopted by the Montana State Medical Association.

Attorney's lien.

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Section 2. Any physician, nurse or hospital claiming such lien shall serve a written notice upon the person or corporation against whom liability for such injury or death is asserted, stating therein the nature of the services and for whom and when rendered and the value thereof, and that a lien therefore is claimed as provided by this Act. Notice.

Section 3. If an action is commenced to recover for such injury or death, a duplicate of such notice and claim of lien shall be filed in the office of the Clerk of the Court in which such action is pending, and such filing shall be noticed to all parties to said action of such lien.

Section 4. If any person or corporation, against whom a claim is made for damages for personal injury or death, after receiving notice of lien as herein provided, shall make payment to the claimant or claimants, on account of such injury or death, and the amount claimed by any physician, nurse, or hospital for services, as stated in the notice so given has not been paid, such person or corporation shall be liable to such physician, nurse or hospital for the reasonable value of such services. Failure to recognize claim.

Section 5. This Act shall not apply to any injury or death for which compensation is awarded, under or pursuant to the Workmen's Compensation Law of Montana.

Approved February 25, 1931.

CHAPTER 58.

An Act Relating to Certain Stocks, Bonds, Securities, Personal Property, and Effects Now in the Hands and Control of the State Treasurer, Belonging to Escheated Estates, and Providing for the Disposal of Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All stocks, bonds, securities, personal property, and effects now held or hereafter received by the State Treasurer, and which belong to certain estates that have escheated to the State of Montana, shall be disposed of by the State Treasurer at public auction at his office in the Capitol. The State Treasurer shall cause notice of such auction to be published in one (1) newspaper pub- Sale of escheated estates.

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lished in the City of Helena in two (2) issues during the period of two (2) weeks prior to such auction sale, stating the time and place of sale, and giving a list of all such stocks, bonds, securities, personal property and effects to be sold, reserving the right to reject any or all bids. The State Treasurer shall credit the proceeds of such sale to the Escheated Estates Fund, making proper accounting to the various estates of the amounts received.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect immediately upon its passage and approval.

Approved February 26, 1931.

CHAPTER 59.

An Act to Amend Section 9130 of the Revised Codes of Montana of 1921, Providing for What Causes of Action May Be Joined in One Complaint.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9130 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

What causes of action might be joined.

Section 9130. **What Causes of Action May Be Joined.** The plaintiff may unite several causes of action, legal or equitable, or both, in the same complaint, where they all arise out of:

1. Contracts, express or implied;

2. Claims to recover specific real property, with or without damages for the withholding thereof, or for waste committed thereon, and the rents and profits of the same, and for an injunction to stay waste or injury thereto;

3. Claims to recover specific personal property, with or without damages for the withholding thereof;

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4. Claims against a trustee by virtue of a contract, or by operation of law;

5. Injuries to character;

6. Injuries to person;

7. Injuries to property;

8. Injuries to person and property;

The causes of action so united must all appear on the face of the complaint to belong to one only of these classes, and must affect all the parties to the action, and not require different places of trial, and must be separately stated and numbered; but an action for malicious arrest and prosecution, or either of them, may be united with an action for either an injury to character or to the person.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 26, 1931.

CHAPTER 60.

An Act to Amend Section 1535 of the Revised Codes of Montana of 1921, Relating to Eligibility and Qualifications for Admission into a Soldiers' Home; and Providing for the Admission of Persons Who Served With the United States Army in the Campaign of 1890 and 1891 Against the Sioux and Cheyenne Indians or Other Indian Campaigns Within the Borders of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1535 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 1535. **Who Eligible to Admission.** Any soldier, sailor or marine, who served in the army or navy of the United States during the late Civil war, or in the Mexican war, or during any troubles between the United States and the government of Mexico, or the people of Mexico, or in the late war with Spain, or in any insur-

Who eligible to admission.

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rection in the Philippine Islands, or during the Boxer troubles with China, or who, within the borders of the Territory of Montana, served in the Sioux war of 1876 or the Nez Perce war of 1877, or any person who served with the United States Army in the Campaign of 1890 and 1891 against the Sioux and Cheyenne Indians or other Indian Campaigns within the borders of the State of Montana, or during the war with Germany and Austria, or who served in Russia, Siberia, or any other foreign country during the war with Germany and Austria, or who, while a citizen of the United States, served in the army or navy of any of the allies of the United States and has returned to and lives in Montana, or during any troubles arising or growing out of any such war or wars, and has received honorable discharge therefrom, who at the time of admission is an invalid by reason of disease contracted, wounds received, or by reason of other disability, shall be eligible to admission to the benefits of the home under the rules and regulations prescribed by the board of managers thereof, on the certificate of disability by a county commissioner and the county physician of the county in which the applicant may reside; and the transportation of such applicant to the said soldiers' home shall be a proper county charge, and be paid by said county if the applicant is unable to pay the same; provided, that the benefits of said home shall not be extended to anyone who has not resided within the State of Montana for a period of one (1) year next preceding the date of his application, or to anyone who has not resided within the county from which he asks to be sent to the home for the period of three (3) months from the date of his application, nor to anyone convicted of a felony or of a crime involving moral turpitude, nor shall anyone who has been an habitual drunkard be received without sufficient evidence of subsequent good conduct and reformation of character as may be satisfactory to the said board of managers; provided, further, that in case said soldiers' home shall not have the capacity to receive all persons designated here, that veterans of the Civil war shall have preference as to admission.

Residence.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 26, 1931.

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CHAPTER 61.

An Act to Amend Section 6336 of the Revised Codes of Montana of 1921, Relating to the Exemption of Certain Societies From the Provision of the Fraternal Benefit Insurance Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6336 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 6336. **Exemption of Certain Societies.** Nothing contained in this Act shall be construed to affect or apply to grand or subordinate lodges of Masons, Odd Fellows, or Knight of Pythias (exclusive of the insurance department of the Supreme lodge Knight of Pythias), and the Junior Order of the United American Mechanics (exclusive of the beneficiary degree or insurance branch of the national council Junior Order of the United American Mechanics), or societies which admit to membership only persons engaged in one (1) or more hazardous occupations, in the same or similar lines of business; nor to similar societies which do not issue insurance certificates; nor to an association of local lodges of a society now doing business in this state which provided death benefits not to exceed Three Hundred Dollars ($300.00) to any one (1) person, or disability benefits not exceeding Three Hundred Dollars ($300.00) in any one (1) year to any one (1) person, or both; nor to any contracts of reinsurance business on such plan in this state; nor to domestic societies which limit their membership to the employees of a particular city or town, designated firm business house, or corporation; nor to domestic lodges, orders, or associations of a purely religious, charitable, benevolent description, which do not provide for a death benefit of more than One Hundred Dollars ($100.00) or for disability benefits of more than One Hundred and Fifty Dollars ($150.00) to any one (1) person in any one (1) year; provided always, that any such domestic order or society which has more than five hundred (500) members, and provides for death or disability benefits, and any such domestic lodge, order, or society which issues to any person a certificate providing for the payments of benefits, shall not be exempt by the provisions

Exemption of societies from Insurance Act.

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of this section, but shall comply with all the requirements of this Act. The Commissioner of Insurance may require from any society such information as will enable him to determine whether such society is exempt from the provisions of this Act.

Compensation for new members.

No society, which is exempt by the provisions of this section from the requirements of this Act, shall give, or allow to promise to give or allow, to any person any compensation for procuring new members.

Societies now operating.

Any fraternal benefit society heretofore organized and incorporated, and operating within the definition set forth in Sections 6305 to 6307 of this code, providing for benefits in case of death or disability resulting solely from accidents, but which does not obligate itself to pay death or sick benefits, may be licensed under the provisions of this Act, and shall have all the privileges and shall be subject to all the provisions and regulations of this Act, except that the provisions of this Act requiring medical examinations, valuations of benefit certificates, and that the certificate shall specify the amount of benefits, shall not apply to such society.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved February 26, 1931.

CHAPTER 62.

An Act to Amend Sections 6186 and 6199 of the Revised Codes of Montana, 1921, Relating to Mutual Rural Insurance Companies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6186 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Section 6186. **Articles of Incorporation — Contents.** Articles of Incorporation must be prepared setting forth:

1. The name of the corporation, as follows: 'Mutual Rural Insurance Company,.....County' in which the operations of said company are to be carried on.

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2. The name of the county or counties in which the operations of said company are to be carried on, and the place within such county where its principal business shall be transacted.

3. The purpose for which it is formed.

4. The terms for which it is to exist, not exceeding twenty (20) years.

5. The number of its directors, which shall not be less than five (5), nor more than thirteen (13), and the names of those who are appointed to manage the affairs of the corporation or association until the first annual meeting of the members, and until their successors are elected and qualified.

6. The names of the incorporators, and the value of the property desired insured, owned by each in the county, or counties, where the operations of the company are to be carried on.

Section 2. That Section 6199 be amended to read as follows:

Section 6199. **Property Which Shall Not Be Insured:** 1. No company, corporation or association organized under the provisions of this Act shall insure any property not situated within the county in which its principal place of business is located, or counties adjoining such county.

Insure only in county in which is place of business.

Provided, further, that this Act shall not conflict with the operation of any company, corporation or association whose original operation was confined to one county but which has since been divided into two or more counties.

Section 3. All Acts and parts of Acts in conflict with provisions of this Act are hereby repealed.

Approved February 26, 1931.

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CHAPTER 63.

An Act to Amend Section 5280 of the Revised Codes of Montana, 1921, Relating to Publication of Notice of Sale of Municipal Bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5280 of the Revised Codes of Montana, 1921, be amended to read as follows:

Notice of sale of municipal bonds.

Section 5280. If the majority of the votes cast at the election be for "Bonds—Yes" the Council must give notice by advertisement in some newspaper published in this state at least once a week for four consecutive weeks, the date of the first publication to be not less than thirty days prior to the date of sale, and also in such other newspaper published either within or without the state as in their opinion will be most likely to give notice of such sale to prospective bidders, providing publication in more than one newspaper is necessary to properly advertise said sale. Such notice to state that the town will sell such bonds, briefly describing them, at public auction at a time and place therein specified and such further particulars as may be necessary.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 27, 1931.

CHAPTER 64.

An Act to Amend Section 46 Chapter 89 of the Laws of 1927 Relating to the Calculation of Profits by Banks.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 46 of Chapter 89 of the Laws of 1927 be and the same is hereby amended to read as follows:

Section 46. Interest or commissions unpaid, although due or accrued, on debts owing to any bank, shall not be included in calculation of its profits, unless any bank shall keep its books on a complete accrual basis in which event any such bank shall show on its books accrued in-

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terest receivable on notes, bonds, and other investments unless the same shall be past due as defined by Section 34 of this Act, and shall also carry on its books accrued interest, taxes and expenses payable.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1931.

CHAPTER 65.

An Act to Amend Section 9079 of the Revised Codes of Montana, 1921, Relating to the Joinder of the State of Montana as Defendant in Certain Actions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9079 of the Revised Codes of Montana, 1921, be amended to read as follows:

"Section 9079. **Joinder of State as Defendant in Certain Actions.** In any action or proceeding brought in any district court of the State of Montana affecting the title to real or personal property in which the State of Montana has, or claims to have, an interest or claim, the State of Montana may be made a party defendant to such actions or proceedings, and its rights or interests adjudicated; provided, however, that in no event shall any money judgment be rendered against the State of Montana in any action or proceeding brought under the provisions of this Act."

When State may be party defendant.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in force and effect upon passage and approval.

Approved February 27, 1931.

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CHAPTER 66.

An Act to Amend Section 177 Revised Codes of Montana 1921, Relating to the Allotment of Forest Reserve Funds Apportioned to the Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 177 Revised Codes of Montana 1921, be, and the same is hereby amended to read as follows:

Section 177. **Per Cent Allotted to General Fund and Common School Fund.** The forest reserve funds so apportioned to each county shall be apportioned by the county treasurer in each county between the several funds as follows:

How allotment of forest reserve funds shall be made to counties.

To the general road fund, sixty-six and two-thirds per cent of the total amount received. To the common school fund thirty-three and one-third per cent of the total sum received. Provided, that in counties wherein special road districts have been created according to law the board of county commissioners shall distribute a proportionate share of the 66 2/3 per cent of the total amount received for the general road fund, to such special road district or districts within the county based upon the percentage that the total area of such road district bears to the total area of the entire county.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 27, 1931.

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CHAPTER 67.

An Act to Amend Section 1 of Chapter 96 of the Session Laws of the Eighteenth Legislative Assembly, 1923, as Amended by Section 1 of Chapter 79 of the Session Laws of the Twenty-first Legislative Assembly, 1929, and Section 2169 of the Revised Codes of Montana of 1921, as Amended by Section 2 of Chapter 96 of the Session Laws of the Eighteenth Legislative Assembly, 1923; Relating to the Collection of Taxes and the Time and Method of Collecting the Same, the Interest Thereon, and Providing Penalties for the Delinquency Thereof, and the Form of Notice of Such Delinquency to be Given.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 96 of the Session Laws of the Eighteenth Legislative Assembly, 1923, as amended by Section 1 of Chapter 79 of the Session Laws of the Twenty-first Legislative Assembly, 1929, be, and the same is hereby amended to read as follows:

Section 1. (a) All taxes levied and assessed in the State of Montana, except special assessments made for special improvements in towns and cities, shall be payable as follows: One-half (½) of the amount of such taxes shall be payable on or before five o'clock P. M. on the 30th day of November of each year, and one-half (½) on or before five o'clock P. M. on the 31st day of May of each year; provided that unless one-half (½) of such taxes are paid on or before five o'clock P. M. on the 30th day of November of each year, then such amount so payable shall become delinquent and shall draw interest at the rate of two-thirds (2/3) of one per centum (1%) per month from and after such delinquency until paid and five per centum (5%) shall be added to the amount thereof as a penalty. All taxes due and not paid on or before five o'clock P. M. of the 31st day of May of each year shall be delinquent and shall draw interest at the rate of two-thirds (2/3) of one per centum (1%) per month from and after such delinquency until paid and five per centum (5%) shall be added to the amount thereof as a penalty.

When taxes are payable.

Delinquency.

(b) **Special Assessments for Special Improvements.** Special assessments, or installments of special assess-

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Special assessments.

ments, made for special improvements in towns and cities, duly and regularly made and levied by resolution, according to law, shall be payable on or before five o'clock P. M. on the 30th day of November of each year, and in the event the same are not paid on or before said date, the same shall be subject to the same interest and penalty for non-payment as are or may hereafter be provided by the laws of the State of Montana for other delinquent taxes. The collection thereof shall be had and made as provided by Section 5251, Political Code, Revised Codes of Montana, 1921, as the same is now in force or may be hereafter amended.

Section 2. That Section 2169 of the Revised Codes of Montana of 1921, as amended by Section 2 of Chapter 96, Session Laws of the Eighteenth Legislative Assembly, 1923, be, and the same is hereby amended to read as follows:

Treasurer to publish notice

Section 2169. **Treasurer to Publish Notice of Delinquency.** Within ten (10) days after the receipt of the assessment book, the County Treasurer must publish a notice specifying:

1. That one-half (1/2) of all taxes levied and assessed will be due and payable before five o'clock P. M. on the 30th day of November next thereafter, and that unless paid prior thereto the amount then due will be delinquent and will draw interest at the rate of two-thirds (2/3) of one per centum (1%) per month from and after such delinquency, and five per centum (5%) will be added to the amount thereof as a penalty and that one-half (1/2) of all taxes levied and assessed will be due and payable on or before five o'clock P. M. on the 31st day of May next thereafter, and that unless paid prior to said date said taxes will be delinquent and will draw interest at the rate of two-thirds (2/3) of one per centum (1%) per month from and after such delinquency, and five per centum (5%) will be added to the amount thereof as a penalty.

Notice by mail.

2. The time and place at which payment of taxes may be made: And he must send to the last known address of each taxpayer a postcard or other written notice, postage prepaid, showing the amount of taxes due the current year, and the amount due and delinquent for

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other years; but any failure to give either notice will not affect the legality of the tax.

Section 3. It is specifically provided that the provisions of this Act are not retroactive and shall apply only to tax levies made on assessments levied from and after the first Monday in March, 1931.

In computing all penalties and delinquencies on the sale of property for the non-payment of taxes, or the acquisition of tax titles, any levies heretofore made shall be computed on the basis of the then existing laws, but levies made on assessments for 1931 and thereafter shall be computed on the basis provided in this Act for their respective portions, and all Acts and parts of Acts in conflict herewith are amended in accordance with the provisions of this Act.

How penalties shall be computed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1931.

CHAPTER 68.

An Act to Amend Section 4288 of the Revised Codes of Montana, 1921, Relating to the Recording of Trade Marks and Fees Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4288 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Section 4288. **Record Fees.** The Secretary of State must keep for public examination, a record of all trade marks or names filed in his office, with the date when filed and the name of the claimant, and must not record any two (2) like trade marks or names; provided, however, that in the event that an affidavit, attested by two (2) witnesses, is filed in the office of the Secretary of State to the effect that any trade marks or name recorded therein in the name of any person or persons, corporation or association has not been used by such person or persons, corporation or association, their succes-

Recording of trade marks or names.

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sors or assigns, for a period of five (5) years immediately preceding the filing of said affidavit, then and in that event the Secretary of State is authorized, empowered and directed to record said trade mark or name in the name of the person making application therefor in said affidavit, or in the name of the person or persons, corporation or association for whose benefit said application and affidavit are made, but without prejudice to any person claiming to be injured thereby to contest the same in any court of competent jurisdiction, within a period of six (6) months thereafter. He must, at the time of filing and recording a trade mark or name, collect from the claimant a fee of Three Dollars ($3.00).

Fees for recording.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect upon its passage and approval.

Approved March 2, 1931.

CHAPTER 69.

An Act to Create an Irrigation and Water Right Code Commission and Prescribing Its Powers and Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created and established an Irrigation and Water Right Code Commission to be known as "The Special Irrigation Commission of the State of Montana". The said commission shall consist of the State Engineer, who shall act as chairman, the Attorney General of the State of Montana, a representative of the Montana State College and such others as may be qualified and available for this service, to be appointed by the Governor, all of whom shall be qualified electors of the State of Montana. Any vacancies occurring on the commission by death or otherwise, shall be supplied by appointment by the Governor.

Irrigation Commission.

Section 2. Such commission shall serve without compensation.

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Section 3. Said commission shall investigate or cause to be investigated, the irrigation and water right laws of the State of Montana, and of the several states of the Union, in the so-called arid territory relative to the organization, administration, financing, supervision and dissolution of irrigation districts and relative to the system of water right law now in force within the State of Montana, and systems in force in other states in the so-called arid territory, to the end of formulating a single and uniform statutory system of general application covering (a) irrigation districts and (b) water rights within the State of Montana, and to the end of eliminating the multiple systems now in existence and clarifying the law with respect thereto. Such commission is authorized to hold sittings and public hearings as it shall be necessary in the discharge of its duties under this Act, providing that nothing herein contained shall authorize such commission to travel or hold meetings outside of the State of Montana.

Purpose and duties.

Section 4. The said "Special Irrigation Commission of the State of Montana" shall report to the Governor of the State of Montana, on or before the first day of November, 1932, the result of its investigations and advise and recommend to the Governor for transmission to the Twenty-third Legislative Assembly of the State of Montana, the enactment of such legislation as will secure realization of the objects herein named.

Report to Governor.

Section 5. The term of office of said "Special Irrigation Commission of the State of Montana" shall expire on the first day of November, 1932.

Section 6. All Acts or parts of Acts in conflict herewith are hereby repealed, providing nothing in this Act shall be construed as repealing any law relative to irrigation districts or water rights; and provided further, that in its recommendations, said commission shall take due care not to impair the obligation of any contracts existing at the time of its report by virtue of any past or existing laws of the State of Montana relating to irrigation and water rights.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1931.

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CHAPTER 70.

An Act to Amend Section 9479 and Section 9483 and Section 9485 of the Revised Codes of Montana, 1921, as Amended by Chapter 55 of the Laws of the Eighteenth Legislative Assembly of the State of Montana, Relating to Actions Quieting Title to Real Estate; Providing Where Such Actions May be Brought; Providing for the Issuance of an Order for the Publication of Summons and the Form of Summons to be Published in Such Actions, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9479 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Action to quiet title.

Section 9479. An action may be brought and prosecuted to final decree, judgment, or order, by any person or persons, whether in actual possession or not, claiming title to real estate, against any person or persons, both known and unknown, who claim or may claim any right, title, estate, or interest therein, or lien or encumbrance thereon, adverse to plaintiff's ownership, or any cloud upon plaintiff's title thereto, whether such claim or possible claim be present or contingent, including any claim or possible claim of dower, inchoate or accrued, for the purpose of determining such claim or possible claim, and quieting the title to said real estate. All actions brought under this section must be brought in the county in which the real estate, or a portion thereof, as to which the title is sought to be quieted, is situated, provided, that if the said real estate is situated in more than one county, said action may be brought and prosecuted in either of said counties, and a transcript of the original judgment certified by the Clerk of Court shall be filed in the office of the Clerk of the Court in the county other than which the said action was brought in which any of the real estate affected thereby is situated.

Section 2. That Section 9483 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

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Section 9483. The plaintiff may obtain an order for the service of summons upon all unknown claimants or possible claimants by publication, upon filing with the Clerk of the Court an affidavit showing that he has made diligent search and inquiry for all persons who claim, or might claim, any right, title, estate, or interest in, or lien, or encumbrance upon, such real property, or any thereof, adverse to plaintiff's ownership, or any cloud upon plaintiff's title thereto, whether such claim or possible claim be present or contingent, including any right of dower, inchoate or accrued, and has specifically named as defendants in such action all such persons whose names can be ascertained. One affidavit and order for service by publication may be made to include all defendants, known and unknown, upon whom such service is sought, and in such event but one (1) summons shall be published, and the same shall be directed to all defendants upon whom such summons shall be served by publication; but no order for service by publication shall be made until proof of the filing of the notice of the pendency of such action, in accordance with the provisions of Section 9481, has been made to the court. That the order above provided for may be issued by either the Judge or the Clerk of the Court, and any order for the service of summons by publication in quiet title actions which may have been heretofore issued or made by the Clerk of the Court is hereby declared to be valid and of the same force and effect as if the same had been issued or made by the Judge of the Court.

Order for service of summons.

Order and affidavit for publication.

Order how issued.

Section 3. That Section 9485 of the Revised Codes of Montana, 1921, as amended by Chapter 55 of the laws of the Eighteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Section 9485. The summons to be published under the preceding sections shall be in substantially the following form:

"

.....

Title of the court and cause

The State of Montana to the above named defendants and to all other persons unknown,

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Form of summons.

GREETING:

You are hereby summoned to answer the complaint in this action which is filed in the office of the Clerk of this Court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the plaintiff's attorney within twenty (20) days after the service of this summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint. This action is brought for the purpose of quieting title to the land situated in .....County, Montana, and described as follows:

(here insert description of land.)

Witness my hand and the seal of said court this..... day of.....

.....

Clerk of the above entitled court."

Pblication

Such summons shall be published at least once in each week for a period of three (3) weeks, making a total of four (4) successive publications, in some newspaper of general circulation printed and regularly published at least once a week in the county in which the action is brought, or, if there is no such newspaper printed in such county, then such summons shall be published in like manner, for a like period, in the nearest county in which such a newspaper is printed, preference to be given, first, to an adjoining county in which any portion of the property is situated, if situated in more than one (1) county; and second, to any adjoining county. Service shall be deemed complete on the twenty-second day after the day of first publication.

Service complete.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1931.

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CHAPTER 71.

An Act to Amend Section 9262 of the Revised Codes of Montana of 1921, Permitting the Attachment of the Interests of Any Persons to Which They are Then Entitled or May Become Entitled Upon Distribution in the Estate of Any Deceased Person or Persons, and Permitting Said Attachment to Be Made at Any Time After the Granting of Letters Testamentary of Administration, and How Said Attachment May Be Made.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9262 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 9262. **Levy of Attachment.** The sheriff to whom the writ is directed and delivered must execute the same without delay, and if the undertaking mentioned in Section 9260 be not given, as follows:

Levy of attachment.

1. Real property, standing upon the records of the county in the name of the defendant, must be attached by filing with the county clerk a copy of the writ, together with the description of the property attached, and a notice that it is attached.

Real property.

2. Real property, or an interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached by filing with the county clerk a copy of the writ, together with a description of the property, and a notice that such real property, and any interest of the defendant therein, held by or standing in the name of such other person (naming him), are attached. The county clerk must index such attachment when filed, in the names both of the defendant and of the person by whom the property is held, or in whose name it stands on the record.

Real property standing in name of other than owner.

3. Personal property, capable of manual delivery, must be attached by taking it into custody, except in cases in which personal property capable of manual delivery is in the possession of a third person, and such personal property, so in the possession of a third person, may be attached in the same manner as debts or credits

Personal property.

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and other personal property, not capable of manual delivery, as hereinafter provided.

Stocks, etc.

4. Stocks or shares, or interest in stocks or shares, of any corporation or company, must be attached by leaving with the president, or other head of the same, or the secretary, cashier, or other managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached in pursuance of such writ.

Debts or credits and personal property.

5. Debts or credits and personal property, not capable of manual delivery, and personal property in the possession of a third person, must be attached by leaving with the person owing such debt, or having in his possession or under his control such credits and personal property, or with his agent, a copy of the writ, and a notice that the debts owing by him to the defendant, or the credits and other personal property in his possession, or under his control, belonging to the defendant, are attached in pursuance of such writ.

Judgments.

6. Judgments, standing in favor of and in the name of the defendant upon the records of the Clerk of the District Court, must be attached by leaving with the said Clerk of the District Court a copy of the writ, and a notice stating that the said judgment is attached in pursuance of such writ. The Clerk of the District Court must index and keep a record of all attachments of judgments thereunder, and such attachment is binding on the judgment creditor.

7. The interest of a defendant in personal property belonging to the estate of a decedent, whether as heir, legatee or devisee, may be attached by serving the personal representative of the decedent with a copy of the writ and a notice that said interest is attached. Such attachment shall not impair the powers of the representative over the property for the purposes of administration. A copy of said writ of attachment and of said notice shall also be filed in the office of the Clerk of the Court in which said estate is being administered and the personal representative shall report such attachment to the court when any petition for distribution is filed, and in the decree made upon such petition distribution shall be ordered to such heir, legatee or devisee, but delivery of such property shall be ordered to the officer

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making the levy subject to the claim of such heir, legatee or devisee, or any person claiming under him. The property shall not be delivered to the officer making the levy until the decree distributing such interest has become final.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 2, 1931.

CHAPTER 72.

An Act to Amend Section 1053 of the Revised Codes of Montana of 1921, Defining a Public School, and to Repeal all Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1053 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 1053. **School Defined.** A public school is a school established and maintained under the laws of this State at public expense and comprising the elementary grades, and, when established, the kindergarten and the high school including all the junior and senior grades of high school work.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1931.

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CHAPTER 73.

An Act to Amend Sections 6170, 6171, 6173 and 6183 of the Revised Codes of Montana of 1921, Relating to Mutual Hail Insurance; Mutual Fire, Lightning and Other Casualty Insurance of Livestock, Machinery and Vehicles; Providing Regulations for Articles of Incorporation, Election of Officers, Examination of Companies; Providing Agents Shall Not be Required to Obtain License Except as Provided Herein; Providing Certain Laws Not Applicable.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6170 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Who may form company for hail, fire or other insurance.

Section 6170. **Who May Form Company.** Any number of persons, not less than one hundred (100), residing in the State of Montana, who collectively own not less than five thousand (5,000) acres of grain, which they desire to have insured, may form an incorporated company for the purpose of mutual insurance of growing crops against loss or damage by hail; any number of persons, not less than one hundred (100), residing in the State of Montana, may form an incorporated company for the purpose of mutual insurance of farm buildings, including the usual contents therein, farm livestock, machinery and vehicles, and other forms of farm property, against loss or damage by fire, lightning or other casualty; provided, that no property situated within the limits of towns or cities shall be subject to such insurance.

Section 2. That Section 6171 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Articles of incorporation.

Section 6171. **Articles of Incorporation.** Such persons shall file with the State Auditor a declaration of their intention to form a company for the purposes expressed in the preceding section, which declaration shall be signed by at least one hundred (100) incorporators; and shall be accompanied by a copy of the proposed articles of incorporation subscribed by three (3) or more persons and acknowledged by each before some person authorized to

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take and verify acknowledgments of conveyance of real property, in which must be stated the name or title by which such corporation or company shall be known in law, the location of its principal business office, which office must be located in this state, the name and residence of the incorporators, the object of the corporation, with its plan of doing business clearly and fully defined, the number of its directors, and the names of those elected to serve until its first annual meeting, which articles of incorporation shall be by the State Auditor submitted to the Attorney-General for examination, and if such articles shall be found by the Attorney-General to be in accordance with the provisions of this Chapter, and not in conflict with the constitution and laws of the United States or of this state, he shall make a certificate of the fact and return it to the State Auditor, who shall reject the name or title applied for by any persons when he shall deem the same so similar to one already appropriated by another company or corporation as to be likely to mislead the public. When the articles of incorporation shall have received the approval of the Attorney-General and the State Auditor, the Auditor must deliver the same to said incorporators, with such approval, and the same must be filed, recorded and certified as required by Section 5908 of this Code. Such articles of incorporation may be amended by a two-thirds (2/3) vote of a quorum at any annual or special meeting called for that purpose. Such amendments must be signed by the president and secretary and filed with the State Auditor.

Section 3. That Section 6173 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 6173. **Officers.** The directors shall elect from their number a president, a vice-president, a treasurer and a secretary, or a secretary-treasurer, all of whom shall hold office for one (1) year, and until their successors are elected and qualified.

Officers

Section 4. That Section 6183 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 6183. **Examination of Company.** It shall be the duty of the president, vice-president, and secretary of every such company, on the first day of January of

Examination of company.

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each year, or within a month thereafter, to prepare under their own oath and transmit to the State Auditor a statement of the condition of the company on the last day of the month preceding, in such form as the law may direct. If, upon examination, he is of the opinion that such company is doing business correctly, in accordance with the provisions of this Act, he shall thereupon furnish the company a certificate which shall be deemed authority to continue business the ensuing year. For such examination and certificate of approval, the company shall pay to the State Auditor Ten Dollars ($10.00); and for filing annual statement, Twenty-five Dollars ($25.00); all of which shall be paid into the State Treasury and applied to the General Fund. No agent of any corporation organized under the provisions of this Act shall be required to pay any fee or obtain any license for the transaction of corporation business except as provided in this Act.

General insurance laws not applicable.

Section 5. **General Insurance Laws Not Applicable.** The provisions of Sections 6128 to 6157 of this Code and the provisions of Sections 6111 to 6119 inclusive, of this Code shall not apply to any corporation organized under the provisions of this Act.

Existing laws not affected.

Section 6. **Existing Laws Not Affected.** Nothing in this law shall be construed as being in conflict with or repealing any law or Act relating to the licensing of insurance companies.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall take effect immediately upon its passage and approval.

Approved March 2, 1931.

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CHAPTER 74.

An Act to Amend Section 2323 and 2334 of the Revised Codes of Montana of 1921, Providing for the Determination by the State Board of Equalization of the Amount of Coal Mine and Coal Dealers' License Taxes Due the State Upon the Failure of Such Persons to Make Report and Pay the Taxes Due the State; Providing for a Penalty and Interest for Failure to Make Reports or Pay the Taxes Due and Providing for Action at Law to Collect the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2323 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 2323. **Procedure to Determine Tax in Absence of Statement—Penalty.** If any person shall fail, neglect or refuse to file any statement required by Section 2321 of this Code, or shall fail to make payment of such license tax within the time therein required, the State Board of Equalization, shall, immediately after such time has expired, proceed to inform itself, as best it may, regarding the number of tons of marketable or merchantable coal mined, extracted or produced by such person, during such quarter and shipped or used by such person, or delivered by such person to any other person for shipment, sale or use by such other person, and shall determine and fix the amount of the license taxes due to the state from such person for such quarter, and shall make out a statement in duplicate, showing the same, and shall add to the amount of such license taxes, twenty-five per centum (25%) thereof as a penalty, and deliver one (1) of such statements to the State Treasurer, who shall proceed to collect the amount of such license taxes, with the penalty added thereto and interest on the whole thereof, at the rate of eight per centum (8%) per annum from the date of the making of such statement by the State Board of Equalization until paid. Upon request of the State Treasurer, it shall be the duty of the Attorney General or any county attorney to commence, and prosecute to final determination in any court of competent jurisdiction, an action at law to collect the same.

Procedure to determine tax in absence of statement.

Penalty.

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Section 2. That Section 2334 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Procedure on failure to file tax statement.

Section 2334. **Procedure to Determine Tax on Failure to File Statement—Penalty.** If any person shall fail, neglect, or refuse to make or file the statement required by Section 2332 of this Code, or shall fail to make payment of such license tax within the time therein required. the State Board of Equalization shall, immediately after such time has expired, proceed to inform itself, as best it may, regarding the matters required to be set forth in such statement, and shall fix and determine the amount of the license fees due from such person for such quarter, and shall make out a statement in duplicate showing such matters, and the amount of such license fees, and shall add to the amount of such license fees

Penalty.

twenty-five per centum (25%) thereof as a penalty, and deliver one (1) of such statements to the State Treasurer, who shall proceed to collect the amount of such license fees, with the penalty added thereto, and interest on the whole thereof at the rate of eight per centum (8%) per annum from the date of the making of such statement by the State Board of Equalization until paid. Upon the request of the State Treasurer it shall be the duty of the Attorney General to commence and prosecute to final determination in any court of competent jurisdiction an action to collect the same.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1931.

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CHAPTER 75.

An Act to Amend Section 2101 of the Revised Codes of 1921 of the State of Montana as Amended by Section 2 of Chapter 185 of the Laws of 1925, Relating to the Taxation of the Property of Freight Line Companies Doing Business in Montana and Providing for the Classification Thereof for Taxation Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2101 of the Revised Codes of 1921, as amended by Section 2 of Chapter 185 of the Laws of 1925, of the State of Montana, be, and the same hereby is amended to read as follows:

Section 2101. **Ascertainment of Gross Earnings—Tax Levy.** The State Board of Equalization shall, on or before the first Monday of June in each year, proceed to ascertain and determine the total gross earnings of each freight line company from all sources from the operation of such freight line company within this State for the year preceding the first day of January, and the amount of such total gross earnings as so ascertained and determined by said State Board of Equalization shall be deemed and considered as the value for taxation of all cars operated, furnished or leased by such freight line company and having a situs for taxation in this State, and such Board of Equalization shall, immediately after having determined the value of such property for taxation, levy and assess against such property a tax amounting to five per centum (5%) of such taxable valuation, as is provided in Class 1 of Sections 1999 and 2000 of the Revised Codes of 1921.

Ascertainment of gross earnings of freight line companies.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after April 1, 1931.

Approved March 2, 1931.

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CHAPTER 76.

An Act to Amend Section 10001 of the Revised Codes of Montana of 1921, as Amended by Chapter 119 of the Session Laws of the Twenty-first Legislative Assembly of 1929, Relating to the Duties of the Public Administrator, the County Treasurers and the State Treasurer, in the Handling of Escheated Estate Moneys.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10001 of the Revised Codes of Montana of 1921, as amended by Chapter 119 of the Session Laws of the Twenty-first Legislative Assembly of 1929, be, and the same is hereby amended to read as follows:

Section 10001. It is the duty of every Public Administrator, as soon as he receives the same, to deposit with the County Treasurer of the county in which probate proceedings are pending, all moneys of the estate, and such moneys may be drawn upon the order of the executor or administrator, countersigned by a District Judge, when required for the purposes of administration. It is the duty of the County Treasurer to receive and safely keep all such moneys, and pay them out upon the order of the executor or administrator, when countersigned by a District Judge, and not otherwise, and to keep an account with such estate of all moneys received and paid to him; and for the safe-keeping and payment of all such moneys, as herein provided, the said Treasurer and his sureties are liable upon his official bond. The moneys thus deposited may, upon order of the Court or Judge, be invested, pending the proceedings, in securities of the United States, or of this state, when such investment is for the best interests of the estate. At the final settlement of any estate, if there be no heirs or other claimants thereof, the District Judge shall make an order directing the administrator to sell all property belonging to the estate and pay the proceeds to the County Treasurer, who shall credit the same and all other moneys belonging to said estate to the Escheated Estates Fund, and the County Treasurer shall forthwith remit all of said money to the State Treasurer with a statement as to the estates to which the money belongs.

Duties of public administrators relating to funds.

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Section 2. Immediately upon the passage and approval of this Act, all County Treasurers shall remit to the State Treasurer all unclaimed moneys of estates in which the Order of Final Distribution has been issued, together with a detailed statement of the estates to which such moneys belong.

Remittance of all unclaimed moneys of estates.

Section 3. The State Treasurer shall credit such money to the Escheated Estates Fund and make proper accounting of the estates to which the same belongs, and, after the same shall have remained in the office of the State Treasurer for the period prescribed by law, he shall transfer the same to the Common School Permanent Fund. The provisions of this Act shall not in any way affect the provisions of Chapter 70 of the 1929 Session Laws.

Duties of State Treasurer

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act is hereby deemed and declared an emergency Act and shall be in full force and effect from and after its passage and approval.

Approved March 2, 1931.

CHAPTER 77.

An Act to Amend Section 3566 of the Revised Codes of Montana of 1921, Relating to the Promotion and Regulation of Apiculture in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3566 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 3566. **Powers and Duties Concerning Apiculture.** The Department of Agriculture, Labor and Industry shall regulate and promote the business of apiculture in Montana and shall be charged with the duty of instructing the beekeepers of Montana in the approved methods of beekeeping and management of apiaries, control of bee diseases, and other matters pertaining to the promotion of the beekeeping industry in Montana. The Commissioner of Agriculture shall have authority to prescribe such regulations as in his judgment may be nec-

Powers and duties concerning apiculture.

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essary to eradicate, prevent, or control the introduction and dissemination of American or European foul brood, or other diseases of bees. The authority hereby given shall include the power to order the transfer of colonies of bees from hives or containers which cannot be easily examined for brood diseases to other hives or containers; to order the burning of, or to burn, either personally or by deputy, any infected or contaminated bees, bee hives, brood combs, and other equipment; or to order the disinfection thereof; to define and prescribe the limits of apiary control districts; quarantine any apiary or districts where foul brood or any dangerous or infectious diseases are present, to prevent the removal from such quarantined apiary or district of bees, used bee supplies or equipment, excepting under permit, or to issue or withhold such permits. The Commissioner may refuse such permit whenever necessary in his judgment to prevent the dissemination of any bee disease, or until he shall have ascertained whether or not such disease is present. No person shall sell, or offer for sale, any apiary, bees, comb, or used beekeeping apparatus within a quarantined district, without a permit from the Commissioner of Agriculture or his authorized deputy. Shipment or movement into the State of Montana from other states and countries, of bees, queen bees, used or second hand hives, honey combs, frames and all other used beekeeping fixtures is hereby prohibited with exception that this regulation does not affect the shipment into the state of live bees in cages when these are not accompanied by combs or honey. The Commissioner of Agriculture may in his discretion authorize permits for shipment of bees on combs into Montana. The Commissioner of Agriculture shall have authority and it shall be his duty, to visit and examine, either personally or by deputy, any apiary for the purpose of ascertaining the existence of disease among bees or brood. The Commissioner of Agriculture is hereby authorized to employ some competent and qualified person as State Apiarist to make the inspections and to perform the other duties relative to beekeeping imposed upon the Commissioner by the terms of this Act.

May refuse permit.

Shipping bees into state.

Examination.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 2, 1931.

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CHAPTER 78.

An Act Relating to the Method and Procedure for Changing the Period of Time Herd Districts Will be in Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The time of year or period, when any herd district heretofore or hereafter created under the provisions of the laws of this State, is effective or will be in effect, may be changed as herein provided, by the Board of County Commissioners of the county in which such herd district has been created, upon the presentation and filing with the Clerk and Recorder of such county, a petition signed by the owners or possessors of fifty-five per centum (55%) of the land in such district. Such petition shall designate the months of the year when such herd district is effective and designate the contemplated change. Upon receipt thereof, the County Commissioners of such county, shall set a date for hearing protests and verifying the signatures thereto, and shall give not less than twenty (20) days' notice of the same by posting five (5) notices of hearing in five (5) public places in the county, one (1) of which shall be at the place such hearing is to be held, and at least two (2) of such notices to be posted within such herd district. Should it appear to the Board of County Commissioners after such hearing that the signatures attached to such petition are genuine, they shall immediately make an order changing the period of time such herd district will be in effect, as designated in such petition; after which the County Commissioners must give notice by four (4) weekly publications in some newspaper in the county, nearest such district, stating the period such district will be in effect; providing, the change of time shall not become effective until such notice has been published as herein provided. Upon the fourth publication of such notice such change of time shall become effective and violation thereof shall be punished as provided under the laws of the State of Montana relative to herd districts.

How herd district periods of time may be changed.

Publication.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 2, 1931.

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CHAPTER 79.

An Act to Amend Section 8867 of the Revised Codes of Montana of 1921, Relating to and Defining the Powers of District Judges in Chambers, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8867 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 8867. The Judge of the District Court may, at chambers, issue, hear, and determine writs of mandamus, quo warranto, certiorari, prohibition, injunction, and other original and remedial writs, and also all writs of habeas corpus on petition by, or on behalf of, any person held in actual custody in his district, and grant all orders and writs which are usually granted in the first instance upon an ex parte application, and, at chambers, hear and dispose of such orders and writs; and may also, at chambers, hear and determine any matter necessary in the exercise of his powers in matters of probate, or in any action or proceeding provided by law, and any action in which all party defendants have made default, and may issue any process, make any order, and make and enter any default judgment. When default judgments are entered in default cases, as herein provided, the judge shall forward to the Clerk of the Court of the county in which the action is pending the judgment so made, together with a minute of the proceedings had thereon, which shall be by said clerk incorporated into the minutes of the said court. If a jury is necessary, the judge may open court and obtain a jury as in other cases.

Powers of District Judges in chambers.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after the date of its passage and approval.

Approved March 2, 1931.

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CHAPTER 80.

An Act Forfeiting to the State and Providing for the Seizure, Confiscation and Sale of Any Vehicle Used for the Transportation of Any Stolen Sheep, Cattle, Hogs, Poultry, or the Products of Either Thereof, Providing Procedure for Such Confiscation and Sale and Disposition of Proceeds of Sale.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The use of any vehicle for the transportation of any stolen sheep, cow, calf, heifer, steer, bull, hogs, poultry, or the products of either thereof, shall be unlawful and such vehicle shall be forfeited to and confiscated by the State. Any such vehicle found in such use, or upon probable cause believed to be devoted wholly or in part to such use, shall be seized and held and, upon conviction in a proceeding in the name of the State of Montana against such vehicle or against such vehicle and the owner before any District Court of Judge thereof, shall be confiscated and sold; provided that such vehicle shall not be confiscated, or subject to forfeiture, if the same be a stolen vehicle at the time it is used for such unlawful transportation and the owner thereof is not in collusion with the party or parties guilty of the theft.

Confiscation of vehicle.

Seizure and possession.

Proviso.

Section 2. The officer making the sale, after deducting the expenses of keeping the property and the cost of the sale, so far as the balance of sale proceeds permit, shall pay all liens, according to their priorities, which are established, by intervention or otherwise in said proceedings, as being bona fide and as having been created without the lienor having any notice or reasonable cause to believe that the vehicle was being or was to be used for such illegal transportation, and shall pay the balance of the proceeds to the Treasurer of the State of Montana to be credited to the Livestock Commission Fund.

Sale and prior liens.

Section 3. Service of process in such proceeding for confiscation of such vehicle shall conform as far as practicable with the provisions of Sections 9111 to 9119, both inclusive, of Revised Codes of Montana of 1921; provided, that insofar as the proceeding against the vehicle is concerned no copy of the summons or complaint need

Service.

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Proviso.

be mailed and no showing need be made under the provisions of said Section 9117, and the service shall be complete upon publication.

Method of sale.

Section 4. Such sale shall be at public auction and otherwise in the manner of sales of personal property under execution, and may be made by any sheriff, livestock inspector, or other peace officer.

Section 5. This Act shall be in full force and effect from and after the date of its passage and approval.

Approved March 2, 1931.

CHAPTER 81.

An Act to Amend Section 6 of Chapter 95 of the Laws of the Twentieth Legislative Assembly of the State of Montana, and to Provide for the Further Protection of Forest and Forest Lands Within the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6 of Chapter 95 of the Laws of the Twentieth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Removal of fire hazard when timber cut.

Section 6. Every person, firm or corporation who shall hereafter cut any timber, logs, ties, posts, poles, cordwood or pulpwood or any other forest product upon lands within the State of Montana; shall remove any fire hazard to the property of others created by the slashings, incident to such cutting, by partial or complete disposal of said slashings, or by other procedure, to the extent and in the manner required by the State Forester under the conditions obtaining, provided that expenditures in excess of fifteen cents (15c) for each one thousand (1000) feet board measure, or the equivalent thereof, of any merchantable timber cut shall not be required.

Proviso.

Purchaser to notify State Forester.

Every person, firm or corporation who shall hereafter purchase or contract to purchase logs, ties, posts, poles or pulpwood cut from forest lands within the State of Montana, shall give written notice to the State Forester of said purchase within five (5) days after making said

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purchase or such contract to purchase; such notice shall disclose the name of the person, firm or corporation furnishing such forest product, the location of the land by section, township and range from which said forest product is cut or to be cut and the name of the owner or reputed owner of such land. Thereafter said purchaser shall withhold, in making payments for such forest product, a sum equal to fifteen cents (15c) for each one thousand (1000) feet board measure delivered under such contract, unless and until the State Forester notify said purchaser that such sum may be paid on such contract. The State Forester shall release said money so withheld only when he is satisfied that legal disposition of slash resulting from such cutting has been or will be made. If upon conclusion of such contract the State Forester has not and does not release such sum so withheld, the purchaser shall thereupon forthwith remit the said sum so withheld to the State Forester, who shall issue his receipt in duplicate therefor and deliver such duplicate receipts to said purchaser who shall thereupon deliver one (1) of said receipts in final payment of the money so withheld and such purchaser shall thereby be discharged from any and all liability for such money so withheld to the extent recited in and shown by such receipt, and the State Forester shall retain such sum as security for the removal of slash hazard as provided by this Act. In the event the State Forester procures the removal of slash resulting from such cutting as provided in Section 7 of this Act, he shall apply such sum so held by him or so much thereof as may be necessary to the payment of the costs of such removal.

Withholding 15c per 1000 ft.

Payment to Forester when not released.

Forester may remove slash.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1931.

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CHAPTER 82.

An Act to Amend Section 9256, Revised Codes of Montana, 1921, Providing When an Attachment May Issue.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9256 of the Revised Codes of Montana, 1921, be amended so that the same shall read as follows:

Section 9256. **When Attachment May Issue.** The plaintiff, at the time of issuing the summons, or at any time afterward, may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant gives security to pay such judgment, as in this Chapter provided, as follows:

Plaintiff may attach.

In an action upon a contract, express or implied, for the direct payment of money, where the contract is not secured by any mortgage or lien upon real or personal property, or any pledge of personal property, or, if originally secured, such security has, without any act of the plaintiff, or the person to whom the security was given, becomes valueless, and in an action based upon a statutory stockholders' liability.

When an attachment may issue.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1931.

CHAPTER 83.

An Act Requiring Life and Accident Insurance Companies to File Copies of Policy Contracts with the Commissioner of Insurance.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No policy of life or endowment insurance or any policy of insurance against loss or damage from sickness or the belated injury or death of the insured by

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accident shall be issued or delivered in this state until a copy of the form thereof has been filed at least thirty (30) days with the Commissioner of Insurance, unless before the expiration of said thirty (30) days the Commissioner of Insurance shall approve the same in writing; if disapproved, the Commissioner shall notify the company in writing, that, in his opinion, the form of said policy does not comply with the requirements of the laws of this state, specifying the reasons for his opinion; provided, that upon the petition of the company the opinion of the Commissioner shall be subject to review by any court of competent jurisdiction.

Form of policy must be furnished Commissioner of Insurance.

Notice of disapproval.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 2, 1931.

CHAPTER 84.

An Act to Amend Section 970 of the Revised Codes of Montana, 1921, as Amended by Chapter 65 of the Session Laws of the Twenty-first Legislative Assembly, Relating to the Abandonment of School Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 970 of the Revised Codes of Montana, 1921, as amended by Chapter 65 of the Session Laws of the Twenty-first Legislative Assembly, be and the same is hereby amended to read as follows:

Section 970. **Abandonment of School Districts.** He shall attach to contiguous districts territory not a part of any district and he shall have power to declare school districts abandoned when no school has been actually held within such district for two (2) consecutive years, if in his judgment there is no immediate prospect of the need of a school, and he must declare a school district abandoned when terms of school aggregating at least twelve (12) months have not been actually held in a district during a period of three (3) consecutive years. The County Superintendent in determining the question of abandoning any School District under this Act must include any period of time that may have elapsed before the approval of this Act; provided, however, that if any

When school district may be abandoned.

Period how computed.

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Proviso.

such district has provided transportation for all children of school age, living within the district, to another district for the purpose of attending school therein for a term of at least six (6) months during each of such three (3) years, such transportation to be by means of a safe and proper omnibus, or omnibuses, driven or operated by a competent driver, or drivers, under contract let by the board of trustees of the district, and which driver, or drivers, shall be under proper and sufficient bonds, such transportation shall be deemed equivalent to the actual holding of school in such district for a term of six (6) months in each year, and such district shall not be ordered abandoned. The abandoned territory shall be attached to a contiguous district or districts. Whenever a school district is ordered abandoned and there is any indebtedness outstanding against the district represented either by registered warrants, or bonds, or both, and there is not sufficient money in the funds of the district to pay the same, all money in the funds of the district shall be set aside and applied in payment of such indebtedness, and there shall be levied annually, in the manner provided by law, a tax against all property within the boundaries of such district, as the same existed when such indebtedness was incurred, sufficient to pay such indebtedness as it matures, with all interest becoming due thereon.

Provision for indebtedness of district.

All funds of an abandoned district, after all the debts of the district have been paid, shall be placed in the general fund of the district or districts to which its territory is attached on order of the county superintendent. If the territory of an abandoned district is divided and a part attached to two (2) or more districts, the funds of the abandoned district, after all its debts have been paid, shall be apportioned by the county superintendent between the districts to which such territory is attached in proportion to the assessed value of the property attached to each thereof.

Surplus of funds how handled.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 2, 1931.

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CHAPTER 85.

An Act to Amend Chapter 63 of the Session Laws of 1925 of the 19th Legislative Assembly Making It Unlawful for Any Owner, Person, Firm, Corporation or Association Having the Management or Control of a Stallion, Ridgeling, Unaltered Male Mule, or Jackass, Over the Age of One Year, to Permit or Suffer It to Run at Large on the Open Range; Defining Open Range; Declaring Such Animal so Running at Large a Public Nuisance; Providing that such Owner or Person Having Management or Control Shall be Liable for All Injuries Caused by Such Running at Large; Providing for the Proceedings and Notices Necessary to be Taken and Given for the Castration, and Disposal of Such Animals: Prescribing Penalties for Violation of This Act; and Repealing Sections 3396, 3397, 3398, 3399, and 3400 of the Revised Codes of Montana of 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 63 of the Session Laws of 1925 of the 19th Legislative Assembly be amended to read as follows: It shall be unlawful for any owner, person, firm, corporation or association having the management or control, of any stallion, ridgeling, unaltered male mule, or jackass, over the age of one year, to permit or suffer such animal to run at large on the open range. The term "open range" means all lands in the State of Montana not enclosed by a fence of not less than two wires in good repair; the term "open range" includes all highways outside of private enclosures and used by the public whether or not the same have been formally dedicted to the public.

Unlawful for animals to run at large.

Definition of open range.

Section 2. Any such animal so running at large shall be, and it is hereby declared to be, a public nuisance, which, in addition to the means and proceedings prescribed by this Act for its abatement and removal, may be abated and removed by the means and proceedings now, or hereafter to be, provided by law for the abatement or removal of public nuisances.

Public nuisance.

Section 3. Any person may take up and secure any such animal found running at large on the open range.

Animal may be taken up.

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Notice of taking up and castration.

After taking it up he shall, without unnecessary delay, post at the United States postoffice or as near as may be to the place where the animal was taken up, a notice truly dated and subscribed by him, or his agent, to the effect that the animal, describing it by marks and brands (if any), color, and sex, was taken up on the day named while it was running at large on the open range in the county (naming the county) and that unless claimed and removed within five days next after the date of the posting the animal will be castrated at the expense of the owner thereof. Should the owner, person, firm, corporation or association having management or control, of such animal be known to the person who took the animal up, personal service of such notice upon the owner, person, firm, corporation or association having management or control of the animal shall be the equivalent to the posting, provided, the notice if personally served may state that unless the animal is claimed and removed within two days next after the date of the notice served personally, the animal will be castrated at the expense of the owner thereof.

Personal service when known.

Proviso.

Castration.

Expense.

When claimed costs and charges.

If such animal so taken up be not claimed and removed within said five days or said two days, as the case may be, it may lawfully be castrated in the usual manner and doing no more harm than is necessary. The expense of castration shall be paid by the owner. If such animal be claimed within the time herein prescribed, the claimant shall pay to the person who took the animal up, the reasonable expense of the keeping and feed thereof since it was taken up, and also the sum of five dollars for the taking up and giving of the notice aforementioned; upon making such payments the claimant shall immediately remove and take away said animal.

When animal may be killed.

Section 4. If any such animal so running at large cannot, by reasonable effort, be captured, taken up, or corralled, it may lawfully be killed unless the owner, or person having the management or control of it shall take the animal off the open range and restrain it from running at large thereon within ten days next after the giving of notice as hereinafter provided. The notice shall be signed by one or more taxpayers of the vicinity of the range whereon such animal be at large, and be substantially as follows:

Notice.

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"To Whom it may Concern:

Take Notice, That a certain (Stallion, ridgeling, unaltered male mule, or jackass, as the case may be) is running at large on the open range (identify the range by general description) in.....County, Montana. Unless said animal be removed therefrom and restrained from running at large on open range, within ten days next after the date of this notice, it will be killed.

(Date) (Signature or Signatures)."

Formal notice.

The notice shall be posted at the post office nearest the place where the animal was last seen on the range, and like notices in two other of the most public places in the vicinity of said range, and like notice shall at once be mailed to the owner or person having management or control of the animal, if his name and address be known.

Posting and service of notice.

Section 5. This Act is not intended, and it shall not be interpreted or understood, to limit or deny the right now existing to destroy or kill any such animal to prevent injury by it to any person or property.

Killing to prevent injury.

Section 6. Any owner, person, firm, corporation or association violating any provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Ten Dollars ($10.00) or more than Twenty-five Dollars ($25.00).

Penalty.

Section 7. If any, provision of this Act, or the application thereof to any person or circumstances, be held invalid or inoperative, the remainder of the Act, and the application, of such provision to other persons and circumstances, shall not be affected thereby.

Saving clause.

Section 8. Sections 3396, 3397, 3398, 3399, and 3400, of the Revised Codes of Montana of 1921 are hereby repealed.

Repealing clause.

Section 9. This Act shall be in full force and effect from and after April 1st, 1932.

Approved March 2, 1931.

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CHAPTER 86.

An Act to Amend Section 443 of the Revised Codes of Montana of 1921, as Amended by Chapter 48 of the Laws of the Twentieth Legislative Assembly of the State of Montana of 1927, Relating to the Limitation of Traveling or Other Expenses of Public Officers or Employees Attending Conventions: Authorizing Payment of Dues; and Providing City or Town Council May Authorize Payment Out of General or Fire Fund, of Necessary Expenses of Officer or Member of Fire Department Attending Fire Fighting or Prevention Meetings or Other Such Special Meetings.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 443 of the Revised Codes of the State of Montana, 1921, as amended by Chapter 124 of the Laws of the Eighteenth Legislative Assembly, and as amended by Chapter 48 of the Twentieth Legislative Assembly, be amended so as to read as follows:

When traveling expenses of school officers or employees may be allowed.

"Section 443. Hereafter no state, county, city or school district officer or employee of the State, or of any county or city, or of any school district, shall receive payment from any public funds for traveling expenses or other expenses of any sort or kind for attendance upon any convention, meeting or other gathering of public officers, save and except for attendance upon such convention, meeting or other gatherings as said officer may by virtue of his office be required by law to attend, provided, that nothing herein shall prohibit the State Board of Examiners from authorizing the payment of the necessary traveling expense of any state officer or employee, whenever in the judgment of said Board public interest requires, and provided further that the board of trustees of any county or district high school or of any school district may by resolution adopted by a majority of entire board make their district a member of any State Association of School Districts or School District Trustees, or any other strictly educational association and authorize the payment of the dues to such Association, and the necessary traveling expenses of an employee, or one member of said board, to attend meetings of such Association, or other meetings called for the express purposes of considering educational matters. Provided, fur-

Proviso.

Proviso further.

Resolution granting expenses.

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ther, one member of board of county commissioners may be allowed actual transportation expenses and per diem for attendance upon any general meeting of county commissioners or assessors held within the State not oftener than once a year and the proportionate expenses and charges against each county as a member of such association shall also be paid. Provided further that nothing herein shall prohibit any city or town council from authorizing the payment of necessary expenses of any officer or member of its established fire department incurred while attending any course in fire fighting or prevention of fires or other meetings called for the express purpose of and special study and consideration of such educational matters, such expenses to be paid out of the general or fire fund of any city or town.

Expenses of County Commissioners.

Expenses of firemen.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act to be in force and effect from and after its passage and approval.

Section 4. If any section, provision, clause, or phrase of this Act be adjudged unconstitutional or invalid by any court of competent jurisdiction for any reason, such adjudication shall not affect the validity of this Act as a whole, or of any section or provision thereof which is not specifically so adjudged unconstitutional or invalid.

Saving clause.

Approved March 2, 1931.

CHAPTER 87.

An Act to Amend Section 40 of Chapter 93 of the Laws of the Twenty-first Legislative Assembly Having to Do With the License Fees for Persons, Firms or Corporations Selling, Exchanging, or Offering for Sale, or Having in Possession With Intent to Sell Oleomargarine, Imitation or Filled Cheese, or Any Substitute for Any Dairy Product Made from Milk or Cream.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 40 of Chapter 93 of the Laws of the Twenty-first Legislative Assembly be and the same is hereby amended to read as follows:

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Oleomargarine dealers' licenses.

Dairy product substitute.

Wholesale.

Retail.

When payable.

Report of dealer.

Statement or no renewal

Posting of license.

Separate license for each place of business.

"Section 40. **Oleomargarine Dealers' Licenses.** It shall hereafter be unlawful for any person, firm, or corporation, by himself, his or its servant or agent, to sell, exchange, offer for sale, or have in possession with intent to sell or offer for sale or exchange, any oleomargarine, imitation or filled cheese or any substitute for any dairy product made from milk or cream, without first securing a license from the Department of Agriculture, Labor and Industry of the State of Montana to conduct such sale or exchange. The fee for such license shall be Two Hundred Fifty Dollars ($250.00) per quarter for a license to sell at wholesale, and One Hundred Dollars ($100.00) per quarter to sell at retail. Said license shall be payable at the beginning of each quarter of the calendar year, or whenever application for license is made, and the license shall be issued to cover the following quarterly period, or such part of it as is unexpired at the time the license is applied for. All persons selling, handling or dealing in oleomargarine, imitation or filled cheese, or any substitute for any dairy product, shall make a quarterly report to the Department showing the number of pounds of such product sold or disposed of by such person during the preceding three months. The license required by this Section shall not be renewed until said statement has been filed by the applicant for such license. Said license shall be posted in a conspicuous place in each store or place of business of the licensee for the inspection of the public and may be revoked by the Commissioner of Agriculture for failure of the holder thereof to comply with the laws of the State of Montana. Whenever any person, firm or corporation, by himself, his or its servant or agent, or as the agent or servant of another, conducts such sale or exchange in more than one place of business, a separate license shall be obtained for each place of business and a separate fee shall be paid for each such license."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1931.

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CHAPTER 88.

An Act Permitting James H. Winchell of Hill County, Montana, to File a Claim for Compensation for Alleged Industrial Accident After Expiration of Six Months From the Date of the Happening of Alleged Accident.

Be it enacted by the Legislative Assembly of the State of Montana:

Permission granted James H. Winchell to file claim.

Section 1. The Industrial Accident Board is hereby authorized and empowered to allow the filing of a claim against the Industrial Accident Fund by James H. Winchell by reason of an alleged industrial accident suffered in the course of his employment by the City of Havre, Montana. The Board shall investigate and determine the validity of said claim and shall consider it to have the same status and effect as if it had been presented within six months from the date of the happening of the alleged accident.

Effect of filing.

Section 2. This is hereby deemed and declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 2, 1931.

CHAPTER 89.

An Act Providing for the Levy of Irrigation District Taxes or Assessments by Board of County Commissioners When Levy is not Made by Board of Commissioners of District, and Providing for Furnishing the County Clerk Information With Reference to Such Levy.

Be it enacted by the Legislative Assembly of the State of Montana:

County commissioners may make assessments for irrigation district on failure of board of such district.

Section 1. If for any reason a levy of taxes or assessments shall not be made for any irrigation district in any year by board of commissioners of such district within the time provided by Section 7235 of the Revised Codes of Montana, 1921, as amended by Chapter 157 of the Laws of Montana, 1923, the board of county commissioners of the county in which such district is situated shall not later than the second Monday in August ascertain the total amount to be raised for all purposes of said district,

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make levy which should have been made by board of commissioners of such district, and furnish the county clerk of such county with a list of the lands and the amount of taxes or assessments as provided in Section 7240 of the Revised Codes of Montana of 1921, and such levy so made shall have the same force and effect as though made by board of commissioners of such district.

Proviso.

Provided, however, that this Act shall apply only to irrigation districts having a bonded indebtedness and actually in possession of a dependable water supply system, and furnishing substantial amounts of water to bona fide users.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1931.

CHAPTER 90.

An Act to Amend Section 1071 of the Revised Codes of the State of Montana, Relating to Fire Drills in Public and Private Schools of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1071 of the Revised Codes of the State of Montana be, and the same is hereby amended to read as follows:

Section 1071. In all schools of the state, either public or private, in which thirty or more children are enrolled it shall be the duty of the teacher or teachers therein

Fire drills.

employed to instruct the children under their immediate control and charge once each week during the school terms in "fire-drill" as hereinafter provided, except that in buildings occupied exclusively by High School Students, drills may be held but twice each month.

Fire alarm.

"A fire-alarm shall be given by striking a gong, and immediately upon such alarm the children shall be required to form immediately a line and leave the building in an orderly manner, through the exit and exits that

Uncertain time.

will most expeditiously clear the building. There shall be no certain day of the week or hour of the day for giving such alarm, and it shall be given without previous warning to the children.

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"It shall be the duty of the trustees or directors, or other persons having control and management of any school building of the class mentioned herein, to provide one or more gongs therefor, with such means of sounding the same as may be approved by the State Fire Marshal. Each member of any board of trustees or directors, or any other person whose duty it is to install said gongs as herein provided, who fails or refuses so to do, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than fifty dollars.

Duty to provide gongs.

Penalty for director.

"Any teacher who fails or refuses to instruct in said fire-drill in the manner provided for in this chapter, after the installation of gongs, as above provided, shall be deemed guilty of a misdemeanor, and shall upon conviction be fined not less than five nor more than twenty-five dollars.

Penalty for teacher.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 2, 1931.

CHAPTER 91.

An Act to Amend Sections 4531, 4532 and 4533 of the Revised Codes of Montana of 1921, Relating to the Application of Destitute Persons Seeking Relief; the Residence of Said Persons; and Providing Temporary Relief to Non-Residents; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4531 of the Revised Codes of Montana 1921, be amended to read as follows:

"Section 4531. **Application of Persons Seeking Relief.** Any person seeking relief must make application to any member of the board, who, before granting any order for relief, must require satisfactory evidence that he has been a resident of the county for six months immediately preceding the day upon which the application is made."

Applications of persons seeking relief.

Resident.

Section 2. That Section 4532 of the Revised Codes of Montana of 1921, be amended to read as follows:

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"Section 4532. **Persons Belonging to Another County to Be Removed.** When application is made, if it appears to the satisfaction of the board that the person applying has resided in the county for six months, he is entitled to the relief provided by this chapter; but if on examination it appears that the applicant is a resident of some other county of the state, the board must, at the expense of the county, cause him to be removed to the county of which he is a resident."

Removal of persons of other counties.

Section 3. That Section 4533 of the Revised Codes of Montana of 1921, be amended to read as follows:

"Section 4533. **Non-Residents Furnished Temporary Relief.** Persons who have not been residents of a county six months may be furnished relief by the commissioners in cases of extreme necessity and destitution.

Temporary relief for non-residents.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This Act is hereby deemed and declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Emergency measure.

Approved March 2, 1931.

CHAPTER 92.

An Act Authorizing the State Board of Examiners to Dispose of the Lands, Buildings and Equipment of the State Board of Entomology at Hamilton, Montana, to the Government of the United States in the Event that the Government Should Desire to Purchase the Same, for the Purpose of Conducting a Federal Laboratory for the Prevention and Eradication of Spotted Fever.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Examiners are hereby authorized to dispose of the lands, buildings and all equipment of the State Board of Entomology Laboratory at Hamilton, Montana, to the Government of the United States in the event that the Government desires to purchase the same, for a research laboratory for the prevention and eradication of Spotted Fever.

Authorizing State to dispose of entomology laboratory to Federal Government.

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Section 2. The State Board of Examiners, in the event of said sale, are authorized to execute sufficient deeds and bills of sale to transfer said property to the United States. Board of Examiners authorized to execute deeds.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This Act will be in full force and effect from and after its passage and approval.

Approved March 2, 1931.

CHAPTER 93.

An Act to Amend Section 2476 of the Revised Codes of Montana of 1921, Relating to the Duties of Local and County Health Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2476 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 2476. **Duties of Local and County Health Officers.** It shall be the duty of each local and county health officer, immediately upon his appointment, to transmit to the Secretary of the State Board of Health his name, date of appointment, post office address, together with the names and post office addresses of the members of the board of health of which he is secretary. He shall at the end of each week transmit to the Secretary of the State Board of Health, on blanks provided therefor, a complete report of all cases of communicable diseases reported to him or known by him to have occurred in his jurisdiction during that week, giving all the details regarding each case as is indicated by the blank forms provided by the State Board of Health. Duties of local and county health officers. Record of appointment. Report on diseases.

He shall, on or before the first day of January, April, July, and October, prepare a report which shall set forth the general health and sanitary condition of his district, give a detailed account of all of his activities as health officer during the previous quarter, and such other information as the State Board of Health may call for. Reports of conditions.

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Report to local meetings.

He shall present this report to the county or local board of health of which he is secretary at the regular quarterly meeting of the said board; and he shall, not later than the tenth day of the same month, send a copy of this report to the Secretary of the State Board of Health, stating thereon the date of the regular quarterly meeting of the local or county board of health at which the report was presented.

Penalty for failure to report.

Any local or county health officer who shall fail, neglect or refuse to make either the above mentioned weekly or quarterly reports, within the time specified in this section, shall forfeit the sum of Two Dollars ($2.00) for each day he is delinquent, which amount shall be deducted from his salary; and the Secretary of the State Board of Health shall notify the chairman of the local or county board of health of the number of days its secretary is delinquent."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 2, 1931.

CHAPTER 94.

An Act Authorizing the Board of County Commissioners to Create a Noxious Weed Destruction Fund, and Authorizing the Purchase and Furnishing of Chemicals or Other Materials to Exterminate Noxious Weeds.

Be it enacted by the Legislative Assembly of the State of Montana:

County commissioners may levy tax for obnoxious weed fund.

Section 1. The board of county commissioners of any county in this state may create a noxious weed extermination fund, either by appropriating money from the general fund of the county, or at any time fixed by law for levy and assessment of taxes, levy a tax not exceeding one mill on the dollar of taxable valuation upon all horticultural, farming, and grazing lands in such county, the proceeds of which shall be used solely for the purpose of promoting the destruction of noxious weeds in said county; the fund provided to be raised in accordance with this section shall be denominated the "noxious weed destruction fund", and shall be kept separate and distinct by the county treasurer, and shall be expended

Separate fund.

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by the board of county commissioners at such time, and in such manner, as is by said board deemed best to secure the abatement and extermination of noxious weeds.

Section 2. The board of county commissioners of any county may from time to time, purchase such quantities and amounts of chemicals or other materials as the board may deem proper, and may furnish such chemicals or other materials to any person or persons employed in accordance with the provisions of Section 4508 Revised Codes of Montana 1921 to exterminate noxious weeds, and may also furnish such chemicals or other materials to other persons desiring to use the same for the extermination of noxious weeds at the actual cost thereof; provided, however, that the cost of such chemicals or other materials shall be paid out of the "noxious weed destruction fund", and all moneys received from the sale thereof shall be paid into such fund.

May furnish material.

Proviso.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 2, 1931.

CHAPTER 95.

An Act Known as the State Highway Treasury Anticipation Debenture Act of 1931 and Authorizing the Issuance of Debentures of the State of Montana in the Principal Sum Not Exceeding Six Million Dollars ($6,000,000.00) for the Years 1931 to 1934, Inclusive, and Not to Exceed One Million Five Hundred Thousand Dollars ($1,500,000.00) in Any One of Said Years; and Providing for the Sale Thereof for the Use of the State Highway Fund for the Purpose of Assuring the Ability of the State of Montana to Secure Any Moneys Made Available by the Act of Congress in Reference to Highways, and for Other Highway Purposes; Providing for a Tax on Gasoline or Motor Fuels and Anticipating the Revenues Therefrom; Prescribing the Form and Terms and Conditions of Said Debentures and Interest Thereon and the Dates of Their Maturities; Calling a General Election for the Submission of This Act to the People and Providing the Method for Referring the Question of the Issuance and Sale of

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Said Debentures to the People at a General Election and Prescribing the Registration for Such Election, and Prescribing the Method for Holding Such General Election and Appropriating Moneys From the State Highway Fund to Pay the Cost Thereof; Providing a Method by Which the State Treasurer May Purchase Said Debentures and Providing that Said Debentures May be Accepted as Security for the Repayment of Public Moneys; Prescribing the Conditions Under Which the Sale of Such Debentures May be Made and the Use of the Funds to be Derived from the Sale of Such Debentures; Prescribing the Amounts and Years Respectively in Which Said Debentures Shall be Due and Payable; Providing for the Repayment of Both Principal and Interest of Such Debentures and for the Pledging and Setting Aside of a Sufficient Amount of Said Excise or License Tax on Gasoline or Motor Fuels to Pay the Same from the State Highway Treasury Debenture Redemption Fund Herein Created; Providing for the Cost of Such General Election and for the Cost of Advertising the Sale of Said Debentures; Providing for the Creation of a Liability Binding the State of Montana Not to Reduce the License Tax on Gasoline or Motor Fuels Until After Accrual of Sufficient Moneys to Pay the Said Debentures and Interest; Defining the Duties of Election Officials Hereunder and Providing Penalties for Violations of the Election Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

State loans for matching Federal road funds.

Section 1. That for the purpose of anticipating the revenue to accrue in the State Highway Fund of the State of Montana and for the purpose of assuring the ability of the State of Montana to secure any funds or moneys allocated to the State and made available to it by the Acts of the Congress of the United States in reference to the construction, betterment and maintenance of highways; and to provide additional working funds for the State Highway Commission of the State of Montana in reference to the roads and highways of the State, a loan or series of loans for the use and benefit and in the name of the State of Montana in the total principal sum of Six Million Dollars ($6,000,000.00) and not exceeding One Million Five Hundred Thousand Dollars ($1,500,000.00), lawful money of the United States of

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America in any one (1) year, is hereby authorized and directed, the proceeds of which said loan or loans shall be paid into the State Treasury of the State of Montana and placed in the State Highway Fund therein, to be used for the purposes herein provided.

Section 2. Said loan or loans shall be negotiated by the issuance and sale of a series of State Highway Treasury Anticipation Debentures of the State of Montana in the amount of One Million Five Hundred Thousand Dollars ($1,500,000.00) during each of the years 1931 to 1934, inclusive, and not to exceed in the aggregate Six Million Dollars ($6,000,000.00), and not to exceed One Million Five Hundred Thousand Dollars ($1,500,000.00) in any one of said years, bearing interest at a rate not exceeding five per centum (5%) per annum payable semi-annually. Said debentures shall be issued in serial form to mature in the aggregate principal sum of Eight Hundred Fifty-eight Thousand Dollars ($858,000.00) in each of the years from 1934 to 1939, inclusive, and Eight Hundred Fifty-two Thousand Dollars ($852,000.00) in the year 1940. The said State Highway Debentures shall be substantially in the following form, to-wit:

Anticipation debentures.

Interest rate.

How issued.

No..... $.....

UNITED STATES OF AMERICA
STATE OF MONTANA
STATE HIGHWAY TREASURY ANTICIPATION DEBENTURE
(State Highway Fund)

Form of debentures.

FOR VALUE RECEIVED, the State of Montana acknowledges itself to owe and promises to pay from the State Highway Fund of the State of Montana, at the office of the State Treasurer of the State of Montana, at Helena, Lewis & Clark County, Montana, on the .....day of....., A. D. 19....., the sum of ..... ($.....) Dollars in lawful money of the United States of America, together with interest thereon in like money at the rate of five per centum (5%) per annum from the date thereof, such interest to be payable semi-annually, on the first day of January and July each year. This debenture is one of a series of debentures aggregating the principal sum of a total par value of

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..... ($.....) Dollars, all of which debentures are identical in terms and conditions save and except as to the numbers, dates, denominations and maturities. All debentures of this series are entitled to payment at maturity in the order of their presentation at the office of the State Treasurer of the State of Montana, but are otherwise entitled to no priority or preference, the one over the other, and all are issued in pursuance of and subject to the terms and provisions of an Act of the Twenty-second Legislative Assembly of the State of Montana, entitled "An Act Authorizing the Issuance of State Highway Treasury Anticipation Debentures of the State of Montana in the Principal Sum Not Exceeding Six Million Dollars ($6,000,000.00)", etc., approved March ....., 1931. This debenture, and all other debentures of this series, is secured by the moneys derived from the excise or license tax on gasoline or motor fuels as provided for in said Act and not otherwise.

How payable.

How secured.

It is hereby certified, recited and declared that all matters, acts, conditions, and things required by law to make this debenture a valid outstanding and binding obligation against the State Highway Fund of the State of Montana, have happened and been done and performed, and the State of Montana hereby pledges its faith and credit that the excise or license tax on gasoline or motor fuels, as provided in said Act authorizing the issuance hereof, shall not be reduced so long as this debenture or any of the debentures of this series shall remain outstanding and unpaid, except as in said Act provided.

Statement of validity.

In witness whereof, and pursuant to the authority vested in them and each of them, and under and by direction of the aforesaid Act of the Legislature, the Governor and the State Treasurer of the State of Montana have hereunto affixed their and each of their official signatures, and the Secretary of State of the State of Montana has attested the same by his official signature and the Great Seal of the State of Montana, at Helena, the capital of said State, this.....day of....., A. D. 19.....

Execution.

.....
Governor of the State of Montana.

.....
State Treasurer of the State of Montana.

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Attest:

.....

Secretary of State of the
State of Montana

On the back of each of said debentures shall be printed the following: "This debenture registered in my office this.....day of .....,
A. D. 19.....

Back of debenture.

.....

State Treasurer of the State of Montana."

Section 3. All of said State Highway Anticipation Treasury Debentures shall bear date on the day they are actually issued and shall be issued serially at the rate of One Million Five Hundred Thousand Dollars ($1,500,000.00) in each of the years 1931 to 1934, inclusive, and shall be due and payable as provided in Section 1 of this Act. The principal and interest of said debentures shall be payable to the bearer at the office of the State Treasurer of the State of Montana at Helena, Montana, at maturity and shall be entitled to payment in the order of their presentation at maturity; otherwise without preference or priority one over the other.

Date of issue.

How payable.

Section 4. The issue and sale of said debentures shall constitute an irrevocable contract between the State of Montana and the owner of any of said debentures that the excise or license tax on gasoline or motor fuels or dealers or distributors therein, as provided in this Act, or in any of the other laws of the State of Montana, shall not be reduced so long as any of said debentures remain outstanding and unpaid, and that the State of Montana will cause such taxes to be promptly collected, and after the payment of drawbacks or refunds, that the State Treasurer shall set aside from the said proceeds of said license taxes, into a fund to be known as the State Highway Treasury Debenture Redemption Fund, a sufficient amount of money each month to provide for the payment of the interest accruing each respective month, and during the twelve (12) months next preceding the maturity of said debentures he shall set aside in such fund from said proceeds sufficient money to provide for the payment of the principal maturing at the end of that year. The said license or excise taxes upon gasoline or motor fuels and dealers and distributors therein as herein

Irrevocable contract.

Tax not to be reduced until debentures are paid.

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provided, shall be irrepealable until all of said debentures and the interest to accrue thereon shall have been fully paid, and all of said debentures and the interest thereon shall be paid from the proceeds of said excise taxes; provided that nothing in this Act shall prevent the reduction of such excise taxes when sufficient moneys to pay the principal and accrued interest on all of said debentures have been set aside in said State Highway Treasury Debenture Redemption Fund.

Proviso.

Section 5. The State Highway Treasury Anticipation Debentures herein provided for shall be sold by the State Treasurer and the State Highway Commission to the highest or best bidder for cash at not less than par and accrued interest, and at such times and in such amounts, subject to the limitations herein provided, as may be authorized by said State Highway Commission by resolution to be entered of record in the minutes of their proceedings.

How sold.

Immediately upon the passage or adoption by the said State Highway Commission of such resolution providing for the issuance and sale of any of said debentures, a certified copy of said resolution shall be delivered to the State Treasurer who, immediately upon receipt of such copy, shall advertise the time and place of sale by notice published once each week for four (4) consecutive weeks in at least one (1) newspaper published in the city of Helena, Montana, and by one (1) publication in one (1) newspaper published in the city of New York, State of New York as provided by law. The first publication of such notice shall be made not less than thirty (30) days next preceding the date of sale. Such notice shall state that such sale will be made at the office of the State Treasurer of the State of Montana and shall specify the time of such sale. Such notice shall further state the amount of such debentures to be sold and that the denominations thereof will be made to suit the purchaser; and shall further state that said debentures shall bear interest at a rate not to exceed five per centum (5%) per annum and that sealed bids will be received therefor.

Advertise sale.

At the time and place stated in said notice the State Treasurer and the State Highway Commission shall open the bids in public and may award said debentures to the bidder or bidders offering to pay the highest price there-

Receiving bids.

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for, or offering to purchase said debentures at par and accrued interest at the least rate of interest. The State Treasurer and the State Highway Commission shall have the right to refuse any and all bids and they shall require as security for compliance with the terms of each bid, the deposit of a certified check equal to two per centum (2%) of the bid, drawn on some solvent bank or trust company payable to the order of the State Treasurer as a guaranty that said debentures will be paid for by the bidder whose bid is accepted. Said certified check and the proceeds therefrom shall be forfeited to the State of Montana in case such bidder fails to make good his bid.

Costs of sale.

The cost of the advertisement of the sale of any of said debentures shall be paid out of the State Highway Fund as other claims against said fund are paid.

Use of proceeds.

Section 6. The proceeds from the sale of said State Highway Treasury Anticipation Debentures shall be placed in the State Treasury and credited to the State Highway Fund to be used for the purposes hereinbefore set out.

State Treasurer may purchase.

Section 7. The State Treasurer may, with the approval of the State Board of Examiners, and other officials whose approval is required by law for the investment of public funds, purchase such debentures for public investment on a competitive basis with any other bidders.

May be accepted as security.

Section 8. The said State Highway Treasury Anticipation Debentures may be accepted at their par value by all public officials of the State of Montana as security for the repayment of all deposits of public moneys of the State or of any county, municipality or public institution thereof, and as security for the faithful performance of any obligation or duty to guarantee the performance of which such officials are now authorized by law to accept deposits of the bonds of this State or of the United States of America.

Section 9. For the purpose of providing funds for the payment of the interest and the maturing principal of the State Highway Treasury Anticipation Debentures herein provded for, every distributor referred to and defined in Initiative Measure No. 31, effective January 1, 1927, and in Chapter 19 of the Laws of Montana, 1927,

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and Chapter 92 of the Laws of Montana, 1929, shall pay for the year beginning April 1, 1931, and ending March 31, 1932, and each year thereafter, until March 31, 1941, to the State Board of Equalization for deposit into the State Treasury, a license tax for engaging in and carrying on such business in this State in an amount equal to five cents (5c), and for each year after March 31, 1941, equal to three cents (3c), for each gallon of gasoline refined, manufactured, produced or impounded by such distributor and sold by him in this State, or shipped, transported or imported by such distributor into and distributed and sold by him within this State, after it has arrived in and is brought to rest within this State, whether sold in the original packages or in the broken packages during such year; provided that all gasoline delivered by any distributor to any of his service stations in this State shall be deemed to have been sold and shall be treated and considered in computing such license tax in the same manner as though the same had been sold to dealers or to other persons. In making the computation of license tax due and in making payment thereof, two per centum (2%) of the amount of such tax shall be deducted by the distributor as an allowance for evaporation and other loss of gasoline handled by such distributor, and every dealer referred to and defined in said laws, shall, for the year beginning April 1, 1931, and ending March 31, 1932, and each year thereafter until March 31, 1941, while engaged in such business in this State, pay to the State Board of Equalization for deposit into the State Treasury a license tax for engaging in such business in this State equal to five cents (5c), and for each year after March 31, 1941, equal to three cents (3c), for each gallon of gasoline sold or distributed by such dealer in this State during such year; provided, however, that no gasoline sold by such dealer, which was purchased by him from a producer or distributor, who has paid the tax thereon, shall be included or considered in determining the amount of such license tax to be paid by such dealer, but only such gasoline as was shipped, transported or imported into this State and purchased by such dealer before it had arrived in and was brought to rest within this State and then re-sold by such dealer, whether in the original packages or in broken packages, shall be included or considered for the purpose of computing such license tax due, provided

Distributor's license tax on all gasoline sold.

Proviso.

Loss by evaporation.

Dealer's license tax.

Proviso when tax paid.

Reselling.

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that no gasoline exported out of the State of Montana shall be included in the computation of any dealer's license tax herein provided for. Two per centum (2%) of the amount of such tax shall be deducted as an allowance for evaporation and other loss of gasoline handled by such dealer.

Export proviso.

Section 10. It is hereby provided that if this Act shall fail to receive the approval of the people at the general election herein provided for, nothing herein contained shall operate to repeal or amend any of the laws of the State of Montana relating to the excise taxes on gasoline or motor fuels.

On failure of approval shall not repeal tax on gasoline.

Section 11. Pursuant to Section 2 of Article XIII of the Constitution of Montana, this law shall be, and it hereby is submitted to the people for their approval or disapproval, at the general election ordered.

Approval of people.

Section 12. There is hereby called a general statewide election to be held in each precinct of every county in this State on Tuesday, the 5th day of May, 1931, and at such election this law shall be submitted to the qualified voters for their approval or disapproval, and authorization of the liability herein created, by a majority vote.

Election May 5, 1931.

Section 13. Within two (2) days after the passage and approval of this Act by the Legislative Assembly, the Governor shall, by proclamation published in at least one (1) newspaper in each county of the State in the weeks of March 10th, and March 17th, 1931, set forth the fact of the calling of such election by this Act, the time and places of holding the same and also the title of this Act and the form of the ballots to be used in voting upon the same together with notice of the time when registration for this election shall be closed, as herein provided, and that voters eligible to vote at any general election shall be qualified, if already registered, or upon proper registration, as herein provided, to vote thereat.

Governor to publish notice and information.

Section 14. The Secretary of State shall, not later than the 1st day of April, 1931, cause to be printed and delivered to the County Clerk and Recorder of each county a true copy of the title of this Act, with the form in which the same shall be printed on the official ballots and submitted to the people at such election. The Secre-

Duties of Secretary of State.

Copy of title to county recorders.

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Copies of Act.

tary of State shall concurrently distribute to each County Clerk a sufficient number of the copies of said Act, in full, to furnish one (1) copy to every voter in each county.

Copy to each registered voter.

Each County Clerk shall be required to mail to each registered voter in his respective county at least one (1) copy of the same on or before five (5) days after the closing of registration.

Affidavits of compliance to be filed.

Each County Clerk shall return to the Secretary of State with the abstract of votes on this Act in his county an affidavit duly executed showing compliance with this Section, and the Secretary of State shall file affidavit of his compliance with all provisions of this Act in the record of said election in his office.

Who may vote.

Section 15. All electors whose names now appear on the official register of electors in each county and who are eligible to vote at the next general election in this State in the year 1932 without re-registration, shall be eligible to vote and may vote at the election herein called, and, in addition, all persons now eligible to vote or eligible to vote at any time before the closing of registration as herein provided except for the fact that their names are not on the official register, may register and vote if otherwise qualified, upon registration with the County Clerk of their respective counties during the period before which registration shall be closed preceding the election herein called, it being intended hereby to permit all qualified and registered voters in the State to participate in said election, and to recognize as eligible to vote all persons whose names are now on the official register, or may be placed thereon as herein provided.

Registration.

Close of registration.

Section 16. For the purposes of this election, and for no other purposes, the County Clerk shall close registration on Saturday, the 25th day of April, 1931, and he shall immediately transmit to the Secretary of State a certificate showing the number of voters registered in each precinct in his county and eligible to vote at the election herein called.

List of voters to Secretary of State.

Notice of registration.

The County Clerk of each county must cause to be published in a newspaper within his county having a general circulation therein in the week of March 25th, 1931, a notice signed by himself to the effect that registration for the election herein called will be closed on April 25, 1931, and must also state that electors may

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register for such election by appearing before the County Clerk at his office, or by appearing before a Deputy Registrar, or before any Notary Public or Justice of the Peace in the manner prescribed by law.

Section 17. During the time intervening between the closing of the registration and the day of the ensuing election the County Clerk shall prepare for each precinct a book to be known as the Poll Book which shall be for the use of the Clerks and Judges of elections in each of said precincts, and conform as near as may be for the purposes of the election herein called to the Poll Book prescribed by Section 568, Revised Codes of Montana, 1921, and during such time the County Clerk shall also prepare and distribute the official ballots as herein provided, and all other necessary election equipment and paraphernalia.

Poll book.

Ballots.

Section 18. It is hereby made the duty of the County Clerk of each county to provide printed ballots for the election herein called and to furnish the election judges, clerks and officers in each precinct of his county with a number at least equivalent to twenty (20) more than will be required for his eligible electors therein.

Printed ballots.

Such ballot shall have printed thereon the words:

An Act known as the State Highway Treasury Anticipation Debenture Act of 1931 and authorizing the issuance of debentures of the State of Montana in the principal sum not exceeding Six Million Dollars ($6,000,000.00) for the years 1931 to 1934, inclusive, and not to exceed One Million Five Hundred Thousand Dollars ($1,500,000.00) in any one of said years, and providing for the sale thereof for the use of the State Highway Fund for the purpose of assuring the ability of the State of Montana to secure any moneys made available by the Act of Congress in reference to highways, and for other highway purposes; providing for a tax on gasoline or motor fuels and anticipating the revenues therefrom; prescribing the form and terms and conditions of said debentures and interest thereon and the dates of their maturities; calling a general election for the submission of this Act to the people; and providing the method for referring the question of the issuance and sale of said debentures to the people at a general election and prescribing the registration for such election, and prescrib-

Wording of ballot.

Amount.

Tax.

Debentures.

Election.

Sale.

Registration.

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Method of holding election.

State Treasurer may purchase.

Conditions of sale.

Terms of amounts, time and payment.

Liability of state.

Duties of election officials.

ing the method for holding such general election and appropriating moneys from the State Highway Fund to pay the cost thereof; providing a method by which the State Treasurer may purchase said debentures and providing that said debentures may be accepted as security for the repayment of public moneys; prescribing the conditions under which the sale of such debentures may be made and the use of the funds to be derived from the sale of such debentures; prescribing the amounts and years respectively in which said debentures shall be due and payable; providing for the repayment of both principal and interest of such debentures and for the pledging and setting aside of a sufficient amount of said excise or license tax on gasoline or motor fuels to pay the same from the State Highway Treasury Debenture Redemption Fund herein created; providing for the cost of such general election and for the cost of advertising the sale of said debentures; providing for the creation of a liability binding the State of Montana not to reduce the license tax on gasoline or motor fuels until after accrual of sufficient moneys to pay the said debentures and interest; defining the duties of election officials hereunder and providing penalties for violations of the election provisions of this Act.

Below the said title of the Act on the said ballot there shall be printed:

Wording of ballot.

☐ For the above entitled Act.

☐ Against the above entitled Act.

Canvass returns.

Section 19. The election herein called shall be conducted and the votes on this Act shall be counted, canvassed, and returned by the regular board of judges, clerks and officers as votes for candidates are counted, canvassed, and returned and the abstract made by the several County Clerks of votes on this Act shall be returned to the Secretary of State on separate abstract sheets in the manner provided by Sections 801 and 802 of this Code for abstract of votes for state officers. It shall be the duty of the State Board of Canvassers to proceed within five (5) days after the election and sooner if the returns be all received, to canvass the votes

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cast for this Act and the votes against this Act, and the Governor shall forthwith issue his proclamation, which shall be published in two (2) daily newspapers printed at the Capitol, Helena, Montana, giving the whole number of votes cast in the state for and against this Act and declaring this Act, if approved by a majority of those voting at such election, to be in full force and effect as the law of the State of Montana from the date of said proclamation.

Notice of outcome.

Section 20. The County Commissioners and County Clerk in each county and the election judges, clerks and officers therein must, in all respects, carry out the provisions of this Act in the calling, advertising, noticing, registration, preparation and furnishing of ballots and supplies for the election, holding and conducting of the election, counting, canvassing and return of the votes as prescribed by the General Election Laws of the State of Montana, except as herein specifically prescribed. Any person or persons or any of said officers or officials of any county, who, under the provisions of this Act, are required to perform any duty, or who shall wilfully or knowingly fail, or refuse to perform such duty or comply with the provisions of this Act, shall be deemed guilty of a felony and shall, upon conviction, be fined in the sum of not less than Three Hundred Dollars ($300.00) nor more than One Thousand Dollars ($1,000.00) or by imprisonment in the County Jail for a period of not less than three (3) months and not more than one (1) year. Upon the conviction of any person, officer or official of the violation of the provisions of this Act, the Judge of the District Court hearing such proceeding shall, at the time of rendering judgment of conviction, include in such order of conviction in all proper cases an order of the Court that such officer be removed from office and such removal shall be effective forthwith.

Election laws governing.

Penalty for negligence or refusal.

Removal from office.

Section 21. In all cases in which the counties of this State are required by this Act to incur expense and pay claims in connection with the election ordered hereby, such counties shall be entitled to and shall be reimbursed from the State of Montana for such expenditures, upon their claims therefor.

Reimbursement of expenditures.

Section 22. There is hereby appropriated out of any money in the State Highway Fund the sum of Two Hun-

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dred Thousand Dollars ($200,000.00), or so much thereof as may be necessary to pay the cost and expenses of such election, and all expenses in any wise lawfully incurred in connection with the same, or in carrying out the election provisions of this Act, and the same shall be charged against and paid out of said fund, upon claims presented by the several counties or other persons to the State Board of Examiners and by said State Board of Examiners approved, and the State Auditor shall draw, issue, and deliver his warrants therefor; provided, however, that the State and the counties therein are hereby authorized to accept the services of the election officials without payment therefor, if the same are tendered, and in all other lawful ways keep the expense at such election at a minimum.

Appropriation for expenses.

Name of Act.

Section 23. This Act shall be known as "The State Highway Treasury Anticipation Debenture Act of 1931".

Saving clause.

Section 24. If any section, provision, clause, or phrase of this Act be adjudged unconstitutional, or invalid by any court, for any reason, such adjudication shall not affect the validity of this Act as a whole, or of any section or provision thereof which is not specifically so adjudged unconstitutional or invalid.

When in force.

Section 25. This Act shall be in full force and effect from and after its passage and approval and proclamation to that effect by the Governor, providing the same shall have received a majority of the votes cast for and against it at the election herein called.

Approved March 3, 1931.

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CHAPTER 96.

An Act to Amend Sections 5, 12, 16, 17, and 21 of Chapter 27 Session Laws of the Twenty-first Legislative Assembly of Montana 1929, Providing for the Storage of Grain on Farms, on or near Railroad Right-of-Ways and Other Suitable Places, Making Provisions Regulating Said Storage, Providing for the Issuance of Negotiable Warehouse Receipts on Grain Stored Therein, Providing for the Supervision and Regulation of Said Storage, Delegating Authority Under the Provisions of the Act and Providing for General Regulations and Funds to Carry Out the Provisions of This Act, and Providing Penalties for Violations of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5 of Chapter 27 of the Twenty-first Session Laws of Montana 1929 be, and the same is hereby amended to read as follows:

Section 5. **Inspectors—How Appointed.** Whenever 10 or more farmers having grain to inspect tributary to any market center shall petition the Commissioner for the appointment of an inspector, the Commissioner shall forthwith appoint such inspector, provide for the method of inspection, and require such inspector to certify all warehouse certificates for grain inspected, and certify to the Commissioner all information that may be required of him by the provisions of this Act, or by the rules and regulations laid down by the Commissioner.

Inspectors.

How appointed.

Section 2. That Section 12 of Chapter 27 of the Twenty-first Session Laws of Montana 1929 be, and the same is hereby amended to read as follows:

Section 12. **Duties of Inspector.** Whenever application shall be made to the Commissioner for the inspection and sealing of grain whether upon the farm or on or near any railroad right-of-way, or other suitable place, the inspector shall as soon as it is possible to do so, inspect said grain, and if said grain and the structure in which it is stored comply with the provisions of this Act, and the regulations of the Commissioner, the inspector shall measure and obtain the cubic feet content of the grain in the bin. Probe the grain in at least five different places so as to obtain a required amount of grain to

Duties of inspector.

Measure grain.

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Samples.

mix and divide into two samples, he shall then number the bin and the samples to correspond, seal the bin with a seal provided by the Commissioner and place on the structure a printed copy of the penalty clause provided by this Act for the unlawful breaking of such seal. The inspector shall then forward to the laboratory as directed by the Commissioner, one of the samples obtained from the bin. The laboratory shall issue inspection certificates in triplicate, which shall be dated, numbered and designate the owners name, the number of sample inspected, the kind of grain, and, if mixed, the percentage of each kind, the dockage, and the moisture and protein content. As soon as inspection certificates are obtained by the Commissioner he shall issue negotiable warehouse certificates in triplicate, attaching to each a copy of inspection certificate and sign the warehouse certificates over the facsimile signature of the local inspector and when so signed they shall be deemed to be issued by the proper authority of the Commissioner. Inspectors shall have the right at any time to enter upon the premises where any grain is stored under the provisions of this Act for the purpose of making an inspection thereof, and the acceptance of the warehouse certificate by the owner, shall be deemed consent to such entry and inspection. Inspectors appointed under the provisions of this Act shall have the same powers as a Notary Public to take acknowledgments and administer oaths that may be required either by provisions of this Act or by rules and regulations laid down by the Commissioner.

Forward to laboratory.

Certificates of inspection.

Warehouse certificates.

Right to enter for inspection.

Powers of inspectors.

Section 3. That Section 16 of Chapter 27 of the Twenty-first Session Laws of Montana 1929 be, and the same is hereby amended to read as follows:

Section 16. **Warehouse Certificates—How Issued.** All such certificates issued under the provisions of this Act shall be in triplicate, the original to be delivered to the owner, one copy to be filed in the office of the Commissioner; and the other copy to be filed in the office of the Clerk and Recorder of the County in which said grain is stored. Both copies of the certificate shall have plainly printed and stamped across the face thereof, "Duplicate—No Value."

Warehouse certificates.

How issued.

Section 4. That Section 17 of Chapter 27 of the Twenty-first Session Laws of Montana 1929 be, and the same is hereby amended to read as follows:

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Section 17. **Recording Certificate.** The Commissioner shall file in the office of Clerk and Recorder of the County wherein said grain is stored, a copy of the warehouse certificate, which shall be indexed under chattel mortgages. Such filing shall be notice that the grain described therein is pledged to the redemption of an outstanding negotiable warehouse receipt. Recording of certificates.

Section 5. That Section 21 of Chapter 27 of the Twenty-first Session Laws of Montana 1929 be, and the same is hereby amended to read as follows:

Section 21. **Expenses for the Administration of This Act—How Paid.** The expense of the administration of this Act shall be paid by the owners of the grain, and the fee collected at the time of inspection and sealing. The amount so paid shall be stated in the certificate. The fee for such inspection shall not exceed one-half cent per bushel, except that when the amount of grain offered for inspection by a single applicant is found to be less than one thousand bushels the minimum fee shall be for one thousand bushels. Such fees shall be paid to the Commissioner and deposited with the State Treasurer, and the fund shall be known as the Department of Agriculture Revolving Appropriation Fund for Grain Grading, and upon such fund the State Auditor shall draw warrants to pay the general expenses of this Act. Expenses. Fees. Fund.

Section 6. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed. Repealing clause.

Section 7. Should any section, subdivision or sentence of this Act be declared unconstitutional by a court of competent jurisdiction, the same shall not invalidate the remaining sections of this Act. Saving clause.

Section 8. **Emergency.** Whereas at the present time there is no adequate law providing for the storage of grain upon farms or on or near railroad right of ways or other suitable places and the issuing of negotiable warehouse certificates thereon, therefore an emergency is declared to exist, and this Act shall be in force and effect upon its final passage and approval. Emergency measure.

Approved March 3, 1931.

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CHAPTER 97.

An Act Amending Section 7327 of the Revised Codes of Montana, 1921, as Amended by Chapter 169 of the Laws of the Twenty-first Legislative Assembly of the State of Montana, So That the Commissioners of Drain and Drainage Districts May, in Their Annual Reports, Make the Necessary Assessments to Pay for Emergency Work and Necessary Repairs During the Preceding Year and to Pay Outstanding Indebtedness of the Drainage District; to Amend Chapter 39, Part IV of the Civil Codes of Montana, 1921, by Adding Thereto New Sections to be Known as, and Numbered, Sections 7364B, 7364C, 7364D, 7364E and 7364F, So as to Make All of the Drainage Laws of Montana Applicable to Drain Districts Organized Under Any Drainage Law of the State of Montana Enacted Prior to the Passage and Approval of Said Chapter 39; Conferring Upon the Commissioners of Such Drain Districts All of the Power and Authority Now Conferred Upon the Commissioners of Drainage Districts Organized Under and Pursuant to Said Chapter 39 and the Amendments and Additions Thereto; Authorizing All Drain and Drainage Districts Organized Under Any Drainage Law of Montana to File a Petition in the Proper District Court for Leave to Make Alterations in and Additions to the Drainage System of Any Such Drain or Drainage Districts, the Costs of Which Shall be Apportioned in Accordance With the Last Assessment Roll of Such Drain Districts or the Last Assessments of Such Drainage Districts Confirmed by the Courts; and Providing for Hearing Thereon, the Giving of Notice of Such Hearing, the Granting, Modification or Dismissal of Such Petition and the Confirmation or Modification of the Proposed Assessments by the Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7327 of the Revised Codes of Montana, 1921, as amended by Chapter 169 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Section 7327. **Annual Report of Commissioners as to Repairs, Upkeep, and Indebtedness.** Commissioners hav-

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ing charge of any completed drain, ditch, levee or other work constructed under any drainage law of the State of Montana, whether now in force or repealed, shall be authorized, in the case of an emergency, to make such repairs as may be necessary for the preservation and protection of the work under their control. They shall, on or before the first Tuesday of March of each year, file with the clerk of court having jurisdiction a report in which they shall specify in detail the emergency repairs which they have made during the preceding year, the labor and repairs then necessary to the preservation and protection of the work under their control, the places where such labor and repairs are especially needed, the amount of the outstanding indebtedness of the district and the sum to be assessed against each tract, lot, easement or corporation to pay all emergency repairs theretofore done, necessary labor and repairs to be done during the ensuing year, maintenance, incidental expenses and interest on and principal of all outstanding indebtedness. No notice of the filing of such report shall be necessary. All such assessments shall be apportioned on the last assessment roll of drain districts or on the last assessments in drainage districts confirmed by the court having jurisdiction thereof.

Commissioners to act under emergency.

Report to be filed of all emergency repairs.

Assessments.

Section 2. That Chapter 39, Part IV, of the Civil Code of Montana, 1921, be, and the same is hereby amended by adding thereto sections numbered 7364B, 7364C, 7364D, 7364E and 7364F, as follows:

Section 7364B. All drain districts of the State of Montana, organized prior to the enactment of Chapter 39, Part IV, of the Civil Code of Montana, 1921, and continued in existence pursuant to Section 7364 of the Revised Codes of Montana, 1921, shall continue their existence as drain districts under and pursuant to all of the provisions of said Chapter 39 and the amendments and additions thereto which are applicable thereto, and the commissioners of such drain districts shall have all the power and authority conferred by said Chapter 39 and the amendments and additions thereto upon the commissioners of drainage districts organized under such chapter and the amendments and additions thereto.

Districts applicable.

Section 7364C. Whenever, in the judgment of the commissioners of any drain district or drainage district,

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Alterations or additions.

Petition.

it is necessary or will be beneficial to such district to make any alteration and/or any addition to the drainage system of such district, they shall file a petition with the clerk of the court having jurisdiction of such district, in which shall be stated the proposed alteration of and/or the proposed addition to the drainage system of said district, the necessity therefor and the probable cost of making such alteration and/or addition.

Hearing on petition.

Notice.

Service.

Publication.

Proviso.

Section 7364D. Upon the filing of such petition a judge of said district court shall set the same for hearing and direct the clerk of such court to give notice thereof. Such notice shall contain a concise statement of the proposed alteration and/or addition and the estimated cost thereof, which notice must be served and published at least twenty (20) days before the date fixed for such hearing. Service of such notice shall be made by registered mail, addressed to each landowner and corporation that may be liable for the payment of any portion of the cost of making such alteration and/or addition, at his or its post office address, if the same can be ascertained by the exercise of due diligence, and such notice shall be published once a week for twenty (20) days prior to such date in some newspaper published in the county where said court is held, to be designated in the order fixing the date for such hearing; provided, however, that if all interested landowners and corporations are so served, such notice need not be published.

Objections.

When dismissal may be made.

Hearing.

Section 7364E. Any such landowner or corporation may at any time prior to five (5) days before the date fixed for such hearing file his or its objections to such petition. A copy of such objections shall be delivered to the attorney for said commissioners, if they have an attorney of record, or to the chairman of the board of commissioners of said district, if there be no such attorney of record, prior to filing the original thereof with the clerk of said court. If objections are made and filed by the owners of at least fifty per centum (50%) in area of the lands in said district, said petition shall be dismissed and no further proceedings had thereon. If the owners of less than fifty per centum (50%) in area of the lands in said district object to such petition, then, on the date fixed for such hearing, or upon any day to which such hearing may be adjourned, the court having jurisdiction will hear testimony in support of said peti-

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tion and in opposition thereto, and after such hearing shall determine whether the proposed alteration and/or addition are necessary, whether they will be beneficial to said district and improve the drainage system thereof, and either approve or deny such petition or modify and change the alteration and/or addition proposed. So far as possible, such hearing shall be conducted as other hearings and trials in the district courts of the State of Montana, and the laws of the State of Montana with reference to hearings and trials, so far as applicable, shall govern in the conduct of such hearings.

Procedure at hearing.

Section 7364F. Any party interested in such hearing, deeming himself aggrieved by the order of the court thereon, may appeal from such order to the supreme court of Montana within thirty (30) days after the entry of such order. If no such appeal is taken within the time limited, the order of the court made upon such hearing will be final and conclusive. If any such alterations and/or additions are authorized by such order, the same shall be made by the commissioners of said district and the cost thereof apportioned in accordance with the last assessment roll of any such drain district or in accordance with the last assessments of any such drainage district confirmed by the court.

Appeal.

Authorization to act and assess.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1931.

CHAPTER 98.

An Act to Amend Section 1998 of the Revised Codes of Montana of 1921, Relating to Exemptions from Taxation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1998 of the Revised Codes of Montana of 1921, be amended to read as follows:

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Property exempt from taxation.

Section 1998. The property of the United States, the state, counties, cities, towns, school districts, municipal corporations, public libraries, such other property as is used exclusively for agricultural and horticultural societies, for educational purposes, places of actual religious worship, hospitals and places of burial not used or held for private or corporate profit, and institutions of purely public charity, evidence of debt secured by mortgages of record upon real or personal property in the State of Montana, and public art galleries and public observatories not used or held for private or corporate profit, are exempt from taxation, but no more land than is necessary for such purpose is exempt; provided, that the terms public art galleries and public observatories used in this Act shall mean only such art galleries and observatories whether of public or private ownership, as are open to the public, without charge or fee at all reasonable hours, and are used for the purpose of education only, and also when a clubhouse or building erected by or belonging to any society or organization of honorably discharged United States soldiers, sailors or marines who served in Army or Navy of United States, is used exclusively for educational, fraternal, benevolent or purely public charitable purposes, rather than for gain or profit, together with the library and furniture necessarily used in any such building, and all property, real or personal, in the possession of legal guardians of incompetent veterans of the World War or minor dependents of such veterans, where such property is funds or derived from funds received from the United States as pension, compensation, insurance, adjusted compensation, or gratuity, shall be exempt from all taxation as property of the United States while held by the guardian, but not after title passes to the veteran or minor in his or her own right on account of removal of legal disability.

Necessity.

Proviso.

Property of ex-service men's organizations without gain or profit also exempt.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act will be in full force and effect from and after its passage and approval.

Approved March 5, 1931.

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CHAPTER 99.

An Act Relating to Tagging of Beaver Skins Shipped from Other States Having a Tag Thereon of Such State, and Repealing All Laws in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person who shall receive or bring in from without the State of Montana, any beaver skin or skins regularly tagged by another state, shall report their arrival in the state within three days, to the State Fish and Game Warden, and furnish an affidavit setting forth the number of skins, the date of receipt, the name and address of the person from whom procured, the manner and method of transportation in the state, and the tag numbers on such skins, and the State Fish and Game Warden shall keep a proper record of all skins so reported. And that it shall not be necessary for the same to be re-tagged with a Montana tag, nor any fees paid thereon, except that each such report shall be accompanied with the sum of fifty (.50) cents as the fee for recording by the State Fish and Game Warden.

Report of imported beaver skins.

Retagging not necessary.

Tax.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1931.

CHAPTER 100.

An Act to Amend Section 4465 Revised Codes of Montana 1921, as Amended by Chapter 95 Acts of 18th Legislative Assembly and by Chapter 54 Acts of 20th Legislative Assembly and by Chapters 38 and 142 Acts of 21st Legislative Assembly, Relating to the General and Permanent Powers of Boards of County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4465 of the Revised Codes of Montana of 1921, as amended by Chapter 95 Acts of 18th Legislative Assembly, and by Chapter 54 Acts of 20th

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Legislative Assembly and by Chapters 38 and 142 Acts of 21st Legislative Assembly be and the same is hereby amended so as to read as follows:

Jurisdiction and power of county commissioners.

"Section 4465. The Board of County Commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law:

Supervise officers.

1. To supervise the official conduct of all county officers, and officers of all districts and other sub-divisions of the county, charged with assessing, collecting, safe keeping, management or disbursement of the public revenues; see that they faithfully perform their duties, direct prosecutions for delinquencies, and when necessary require them to renew their official bonds; to make reports and to present their books and accounts for inspection.

Divide county into districts.

2. To divide the counties into township, school, road and other districts required by law, change the same, and create others as convenience requires, by consolidation of two (2) or more townships, or otherwise.

Election precincts.

3. To establish, abolish and change election precincts, and to appoint judges of election, canvass all election returns, declare the result, and issue certificates thereof.

Highways, ferries and bridges.

Tax therefor.

Proviso.

4. To lay out, maintain, control and manage public highways, ferries and bridges, within the county, and levy such tax therefor as required by law; provided, however, that they may in the exercise of a sound discretion, jointly with other counties, lay out, maintain, control, manage and improve public highways, ferries and bridges in adjacent counties, wholly or in such part as may be agreed upon between the Boards of County Commissioners of the counties concerned, and levy taxes therefor as provided by law; and where joint highway or bridge construction projects are contemplated or necessary and the cooperation of another county, or other counties, or the State or Federal Government, or either or both, is desired for the construction of such projects they may enter into agreement for adjusted annual contributions over not to exceed six years, toward the cost of such projects, and they shall be authorized to place the same in their budget and levy taxes therefor as according to law.

Agreements for construction and maintenance from other sources.

Sick and poor.

5. To provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the

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county; erect and maintain hospitals therefor, or otherwise provide for the same, and to levy the necessary tax therefor per capita, not exceeding Two ($2.00) Dollars and a tax on property not exceeding three-fifths (3/5) of one per cent (1%) on either of such levies when both are not required, and to expend not to exceed five per cent (5%) of any such levy for the collection of said tax, or of any part thereof. Tax.

6. To provide a farm for the support of the poor of the county, and make regulations for working the same. Poor farm.

7. When there are no necessary county buildings, to provide suitable rooms for county purposes; Space for county work.

8. To purchase, receive by donation, or lease any real or personal property necessary for the use of the county, preserve, take care of, manage and control the same; but no purchase of real property must be made unless the value of the same has been previously estimated by three (3) disinterested citizens of the county appointed by the District Judge for that purpose, and no more than the appraised value must be paid therefor. Handle real estate. Appraisal.

9. To cause to be erected and furnished a courthouse, jail, hospital, and such other public buildings as may be necessary. Courthouse, jail, hospital, etc.

10. The Board of County Commissioners of the several counties in this state shall have the power to sell any property, real or personal, however, acquired, belonging to the county, and which is not necessary to the conduct of the County's business or the preservation of its property. If the property, real or personal, sought to be sold, is reasonably of a value in excess of One Hundred ($100.00) Dollars, the sale shall be at public auction at the Courthouse door after previous notice given by publication in a newspaper published in said county, notice to be published once a week for four successive weeks and posted in five (5) public places in the county. The sale shall be for cash, or on such terms as the Board of County Commissioners may approve, provided at least twenty per cent (20%) of the purchase price shall be paid in cash. In all sales of property of a value in excess of One Hundred ($100.00) Dollars, there must before any sale be an appraisal thereof by the Board and at a price representing a fair market value of such Power to sell property. When at public auction. Notice. Terms of sale. When appraisal necessary.

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property, and such appraised value shall be stated in the notice of sale. Any taxpayer who may believe that such appraised value is less than the actual value of the property, may at any time before the day fixed for the sale of such property, file with the Board of County Commissioners written objections to such appraised value. When any such objection is filed it vacates the sale and the Board of County Commissioners must at once apply to the Judge of the District Court to have such property re-appraised. Upon such application the District Judge shall appoint for such purpose three disinterested persons whose appraisal must be made and filed with the County Clerk and Recorder, which new appraisal or re-appraisal shall be used in the next sale of such property. Such appraisers, when appointed by the District Judge, and after filing their appraisal report with the County Clerk and Recorder, shall be allowed Five ($5.00) Dollars per day for each day necessarily employed in making such appraisal, and their necessary and actual expenses. No sale shall be made at public auction of any property unless it has been appraised within three months prior to the date of sale, and no such sale shall be made for less than ninety per cent (90%) of the appraised value. If no bid or offer is made for any property offered for sale at public auction, after appraisal and notice given, as provided herein, the Board of County Commissioners may, at any time thereafter, sell such property at private sale, and may on such private sale accept as the purchase price therefor an amount not less than ninety (90%) per cent of the appraised value thereof. All deferred payments on the purchase price of any property sold, shall bear interest at the rate of six per cent (6%) per annum, payable annually and may be extended over a period of not more than five (5) years. If the property to be sold is reasonably of a value of less than One Hundred ($100.00) Dollars, sale thereof may be had at either public or private sale, as in the discretion of the Board of County Commissioners, may appear to be to the best interests of the county. If it be at public sale, notice shall be given by posting in five public places in the county at least five days before the date of sale. No title to any property sold under the provisions hereof, shall pass from the county until the purchaser, or his assigns, shall have paid the full amount of the purchase price therefor, into the county treasury

Objections to sale.

Re-appraisal.

Fee for appraisal expenses.

Appraisal within three months not less than 90% of appraised value.

No bids terms of sale when private.

Deferred payments.

When under $100.00.

Notice.

When title passes.

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for the use and benefit of the county. Provided, however, if within three years no immediate sale be had of real estate attempted to be sold under the provisions of this section, the Board of County Commissioners may make trades or exchanges of real estate for any lands or real estate of equal value located in proximity to land or tracts of land owned by the county.

Trades or exchanges.

11. At the regular monthly meeting of the Board, to examine and allow the accounts of all officers having the care, management, collection or disbursements of moneys belonging to the county, or appropriated by law or otherwise for its use and benefit.

Examine and allow amounts of officers.

12. At the regular meetings of the Board to examine, settle and allow all accounts legally chargeable against the county except salaries of officers, and order warrants to be drawn on the County Treasurer therefor, and provide for the issuing of the same;

Allowing accounts.

13. To levy such tax annually, on the taxable property of the county for county purposes as may be necessary to defray the current expenses therefor, including the salaries otherwise unprovided for, not exceeding sixteen (16) mills on each dollar of the assessed valuation for any one (1) year; and to levy such taxes as are required to be levied by special or local statutes;

Taxation.

14. To equalize the assessments;

Equalize assessments.

15. To direct and control the prosecution and defense of all suits to which the county is a party;

Direct law suits.

16. To insure the county buildings in the name of and for the benefit of the county;

Insurance.

17. To grant licenses for keeping ferries, and such other licenses as are provided by law;

Ferry licenses.

18. To fix the compensation of all county officers not otherwise in this code or by general or special law fixed, and provide for the payment of the same;

Fix compensation of officers.

19. To fill by appointment all vacancies that may occur in county, township or precinct offices, except in the office of County Commissioner;

Fill vacancies.

20. To contract for the county printing, and provide books and stationery for county officers;

Printing and supplies.

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Publication of list of claims.

21. At the adjournment of each session of the Board to cause to be published in a newspaper, a complete list of all claims ordered paid for all purposes showing the name, purpose and amount, and a fair summary of the minutes and records of all of its proceedings, and also to be published annually in a newspaper the County Clerk's annual statement of the financial condition of the county; and provided that publication of such minutes and records of proceedings must be made within twenty-one (21) days after the adjournment of the session, and publication of the financial statement must be made within thirty (30) days after the presentation of the same to the Board of County Commissioners, and the Board of County Commissioners shall not allow or order paid any claim for any such publication of minutes and records of proceedings or annual financial statement unless made within the time herein prescribed therefor;

Statement of condition and publication thereof.

When made and when costs of publication shall not be paid.

County representative and manager.

22. To represent the county, and have the care of the county property, and the management of the business and concerns of the county in all cases where no other provision is made by law;

Enforce rules.

23. To make and enforce such rules for its government, the preservation of order and the transaction of business, as may be necessary.

Seal.

24. To adopt a seal for the board, a description and impression thereof must be filed by the clerk in the offices of the County Clerk and the Secretary of State;

Other Acts.

25. To perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the chief executive authority of the county government;

Borrow money.

26. To borrow money upon the credit of the county to meet current expenses, if the county revenue is insufficient;

Bonds for construction.

27. To issue on the credit of the county, coupon bonds to an amount sufficient to secure the necessary funds for the procurement of necessary building sites, for the construction of necessary public buildings, and for the construction of bridges and highways, in accordance with the provision of Article III and IV, Chapter II, Title II, Part IV of the Political Code;

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28. To lease and demise county property, however acquired, which is not necessary to the conduct of the county's business or the preservation of county property and for which immediate sale cannot be had. Such leases shall be in such manner and for such purposes as, in the judgment of the Board, shall seem best suited to advance the public benefit and welfare, and all revenue derived therefrom, except as otherwise provided, shall be paid into the county treasury. On the tenth day of January and the tenth day of July in each year the county treasurers shall distribute such revenues to the several county and trust and agency funds on the basis of the tax levy for the preceding calendar year. All such property must be leased subject to sale by the Board, and no lease shall be for a period to exceed three (3) years.

To lease and demise property.

Distribution of revenues.

Subject to sale.

29. To create, abolish and change garbage and ash collection districts in thickly settled areas contiguous to corporate limits of cities and not included therein. Such districts shall be created under rules to be promulgated by said Board, which rules shall provide for petition on the part of a majority of taxpayers residing within such areas, for the survey of proposed districts by the County Health Officer as to boundaries and methods for disposal of garbage and ashes within such districts. When such a district has been created under the authority of this section the County Commissioners shall be authorized and empowered to levy not to exceed three mills on the taxable property within such district for the maintenance and support thereof.

Garbage and ash collection.

Petition for districts.

Health officer.

Tax.

30. To lease and demise county buildings, equipment, furniture and fixtures, for hospital purposes, with full power of lessor, except as hereinafter limited, upon such terms and conditions as the Board shall decide upon. The rentals received under such lease or leases shall be paid into the general fund of the county.

Lease or demise buildings and equipment for hospital purposes.

No such lease and demise shall be made for a longer period than five years, nor shall said Board enter into a contract of lease without and until first having advertised in a newspaper published in the county at least once a week for five weeks and that the said buildings and equipment are for lease for hospital purposes."

Term of lease.

Publication.

Section 2. Section 4465 of the Revised Codes of Montana 1921 and the subsequent amendments of said Sec-

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Repealing clause.

tion 4465 are hereby repealed. Provided, however, nothing in this Act shall be construed as in any manner repealing or effecting the provisions of Chapter 21 of the Laws of the Twenty-first Legislative Assembly of the State of Montana.

Saving clause.

Section 3. If any section, provision, clause, or phrase of this Act be adjudged unconstitutional or invalid by any court of competent jurisdiction for any reason, such adjudication shall not affect the validity of this Act as a whole, or of any section or provision thereof which is not specifically so adjudged unconstitutional or invalid.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1931.

CHAPTER 101.

An Act to Submit to the Qualified Electors of the State of Montana an Amendment to Section 2 of Article IX of the Constitution of the State of Montana Relating to the Qualifications Required of Persons to Entitle Them to Vote at General Elections, for all Officers Elective by the People and upon Questions that may be Submitted to the Vote of the People or Electors.

Be it enacted by the Legislative Assembly of the State of Montana:

Submit to electors next election.

Section 1. That Section 2 of Article IX of the Constitution of the State of Montana be amended as hereinafter provided and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2. That Section 2 of Article IX of the Constitution of the State of Montana be, and the same is hereby amended to read as follows:

Qualifications twenty-one years.

Section 2. Every person of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all general elections and for all officers that now are, or hereafter may be, elective by the people, and, except as hereinafter provided, upon all questions which may be submitted to the vote of the people or

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electors: First, he shall be a citizen of the United States; second, he shall have resided in this state one year immediately preceding the election at which he offers to vote, and in the town, county or precinct such time as may be prescribed by law. If the question submitted concerns the creation of any levy, debt or liability the person, in addition to possessing the qualifications above mentioned, must also be a taxpayer whose name appears upon the last preceding completed assessment roll, in order to entitle him to vote upon such question. Provided, first, that no person convicted of felony shall have the right to vote unless he has been pardoned or restored to citizenship by the Governor: provided, second, that nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this constitution; provided, that after the expiration of five years from the time of the adoption of this constitution, no person except citizens of the United States shall have the right to vote.

Citizen of U. S.

Resident one year.

When a taxpayer.

Proviso for criminal convicted.

Right by constitution.

Citizen only after five years.

Section 3. That separate official ballots shall be provided at the general election to be held in November, 1932, which shall have printed thereon the words, "For the Amendment to the Constitution Relating to the Qualifications Required of Persons to Entitle Them to Vote", and the words, "Against the Amendment to the Constitution Relating to the Qualifications Required of Persons to Entitle Them to Vote", and the elector shall indicate his preference by marking an X before the proposition for which he desires to vote, and the result of the vote on said question shall be determined and declared as provided by law.

Separate official ballots.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This Act shall be in full force and effect after its passage and approval.

Approved March 9, 1931.

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CHAPTER 102.

An Act Requiring All Contracts for State, County, Municipal and School Construction or Repair Work and Maintenance to Contain Provisions Requiring Preference to Bona Fide Residents of Montana in Said Work When Not in Violation of Federal Statutes and Providing for the Payment of the Standard Prevailing Rate of Wages as Paid at the County Seat of the County in Which the Work is Being Performed, and Providing for the Forfeiture of These Provisions by the Contractor and Providing a Method for the Completion of Said Contract, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. In all contracts hereafter let for state, county, municipal and school construction, repair and maintenance work under any of the laws of this State there shall be inserted in each of said contracts a provision by which the contractor must give preference to the employment of bona fide Montana residents in the performance of said work, and that the said contractor must further pay the standard prevailing rate of wages in effect as paid in the county seat of the county in which the work is being performed and no contract shall be let to any person, firm, association or corporation refusing to execute an agreement with the above-mentioned provisions in it; provided that, in contracts involving the expenditure of Federal Aid funds this Act shall not be enforced in such a manner as to conflict with or be contrary to the Federal Statutes prescribing a labor preference to honorably discharged soldiers, sailors and marines, and prohibiting as unlawful any other preference or discrimination among citizens of the United States.

Preference employment to Montana residents.

Standard wages only.

Federal exception ex-service men.

Section 2. LABOR is hereby defined to be all services performed in the construction, repair or maintenance of all state, county, municipal and school work and does not include engineering, superintendence, management, or office or clerical work.

A bona fide resident of Montana is hereby declared to be a person, who at the time of his said employment and immediately prior thereto, has lived in this State in such a manner and for such time as is sufficient to clearly

Labor defined.

Bona fide resident defined.

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justify the conclusion that his past habitation in this State has been coupled with intention to make it his home. Sojourners, or persons who come to Montana solely in pursuance of any contract or agreement to perform such labor, shall under no circumstance be deemed to be bona fide residents of Montana within the meaning and for the purpose of this Act.

Section 3. If any person, firm or corporation shall fail to comply with the provisions of this Act the state, county, municipal or school officers who have executed the contract shall retain five hundred dollars ($500.00) of the contract price as liquidated damages for the violation of the terms of the contract and said money shall be credited to the proper funds of the state, county, municipal or school districts. In all contracts entered into under the provisions of this Act at least five hundred dollars ($500.00) of the contract price shall be withheld at all times until the termination of the contract.

Penalty.

Withholding amount of penalty.

Section 4. If any part of this Act shall be held to be unconstitutional such decision shall not affect the validity of any other provisions of this Act.

Saving clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 6. An emergency existing therefor, which emergency is hereby declared to exist, this Act shall take effect and be in force and effect from and after its passage and approval.

Emergency.

Approved March 9, 1931.

CHAPTER 103.

An Act to Amend Section 5135 of the Revised Codes of Montana 1921, as Amended by Chapter 58 of the Laws of 1927, Relating to the Use of Disability and Pension Fund of Fire Department Relief Associations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5135 of the Revised Codes of Montana, of 1921, be and the same is hereby amended to read as follows:

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Use of disability and pension fund of firemen.

"Section 5135. **Use of Disability and Pension Fund of Fire Department Relief Association:** Said fund shall not be used for any other purpose whatsoever, other than for the payment of the following:

Service pension.

1. A service pension to a member who, by reason of service, has become entitled to a service pension.

Maimed member.

2. A pension to a member who has become maimed or disabled in line of duty.

Injured member.

3. A benefit or allowance to a member who has suffered injury in line of duty.

Sick member.

4. A benefit or allowance to a member who has contracted sickness in line of duty.

Funeral expenses.

5. To defray the funeral expenses of a member, in an amount not to exceed, however, the sum of Two Hundred Fifty Dollars ($250.00).

Widow or orphan.

6. Payment of a pension to the widow, orphan or orphans of a deceased member.

Insurance premium.

7. The payment of premiums upon a blanket policy of insurance covering the members of such fire department and providing for payment of compensation in case of death or injury to such member or any of them incurred in the line of duty in such fire department.

How claims paid.

8. All claims shall be paid by warrant duly authorized, drawn by the secretary, and countersigned by the President of the Association and on presentation thereof, the Treasurer shall pay the same out of the said disability and pension fund."

Repealing clause.

Section 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1931.

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CHAPTER 104.

An Act Providing for the Licensing of Persons, Firms or Corporations Selling or Vending Drugs, Medicines and Remedies as Provided Under the Authority of Chapter 227 of the Revised Codes of Montana of 1921, Providing for the Issuance of Such License, and Fees Therefor and Penalties for the Violation of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful for any person, persons, firm, or corporation to sell or vend drugs, medicines, and remedies as provided for under Chapter 227 of the Revised Codes of Montana 1921 in the State of Montana without first having a license issued under the authority of the State of Montana, provided nothing in this Act shall be construed so as to interfere with any physician in his practice, nor with the wholesale business of any wholesale dealer as such, nor interfere with the distributing, keeping, or handling of drugs, acids or poisons by merchants or corporations for use in their own business when kept in the original plainly labeled package.

Handling drugs without license.

Exceptions.

Section 2. Applications for license shall be made to the Secretary of the State Board of Pharmacy of the State of Montana, and shall contain such information as the Board may require, which shall include the name and location of the person or persons, or corporation and business and the character of the business generally of such person, persons, firm, or corporation. Licenses within the meaning of this Act shall be issued subject to the regulations of Chapter 227 of the Revised Codes of Montana of 1921, by the Montana State Board of Pharmacy, to any place of business, firm or corporation which under Chapter 227 of the Revised Codes of Montana of 1921, may sell or vend any such drugs, medicines or remedies and which have complied with this Act. Provided that nothing in this Act shall be in any way construed to or require a license for the sale of patent or proprietary medicines, fungicides, insecticides and germicides for agricultural or horticultural uses when sold in original packages or containers.

Applications for license and contents.

Proviso.

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License fee.

Section 3. An annual fee of $3.00 shall be required for each license. License shall be made to expire on the next 30th day of June after their issuance.

Attorney.

Section 4. The Attorney General of the State of Montana shall be the attorney for the Montana State Board of Pharmacy, and said Board shall not employ any other attorney or counsel except upon the consent and approval of the Attorney General. The Secretary of the Montana State Board of Pharmacy shall, under such rules and regulations as the Board may prescribe, assist the Board and the Attorney General in the administration and enforcement of this Act without any extra salary, provided, however, he shall upon approval of the Board be allowed all legitimate expenses incurred or necessary in the discharge of the duties required of him by the Board, or the Attorney General.

Assistance of Secretary of Pharmacy.

Displaying of license.

Section 5. Any person, persons, firm or corporation which under this Act are required to have a license, shall at all times have such license posted in a conspicuous place in their place of business, and any such person, persons, firm or corporation that fails to have such a license and have the same at all times available for inspection and examination by any person or citizen of the State of Montana, or who violates any of the provisions of this Act, shall be guilty of a misdemeanor.

Penalty.

Use of funds collected.

Section 6. All fees collected by the State Board of Pharmacy of the State of Montana for licenses issued under this Act shall be transmitted to the State Board of Pharmacy as provided by law. All fines paid under the provisions of this Act or in connection with the enforcement thereof shall be paid to the credit of the common school fund of the State of Montana; provided that no salaries or expenses of the Board of Pharmacy shall be paid out of the State Treasury.

Repealing clause.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed, provided, however, that nothing in this Act shall be construed as modifying any of the provisions of Chapter 227 of the Revised Codes of Montana of 1921 and amendments thereof relative to the examination, registration and requirements and privileges of and for registered pharmacists in the State of Montana.

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Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 105.

An Act Relating to Abstracters and to the Business of Abstracting; Providing for the Creation of a Board of Abstract Examiners, Fixing the Compensation of its Members, and Providing for the Organization and the Operation of the Board; Defining the Qualification of Abstracters and Requiring Their Registration; Defining Registered Abstracters; Providing for the Examination of the Applicants by the Board of Abstract Examiners; the Issuance of Certificates of Registration and Certificates of Authority, and Designating the Contents of Certificates; Prescribing the License Fee to be Paid by the Applicant or the Abstracter Before Taking the Examination or Engaging in Business; Requiring the Filing of a Bond, or Securities in Lieu Thereof, and Prescribing its Form, Penalty and Amount, Designating a Seal to be Used; Granting to the Board of Examiners Power to Cancel and Revoke Certificates of Registration or of Authority; Providing for Hearings on Applications to Revoke or Cancel, and Granting Right of Appeal from the Decisions of the Board Cancelling or Revoking Certificates; Fixing the Penalties for the Violation of this Act and Repealing Section 4143 as Amended by Chapter 60 of the Laws of the Nineteenth Legislative Assembly of the State of Montana and Sections 4139, 4140, 4144, 4145 and 4146 of the Revised Codes of Montana, 1921, and all Acts and Parts of Acts in Conflict Herewith; and Excepting from the Provisions of This Act County Clerks and Recorders and Persons Employed by Counties in Preparation of Abstracts, and also any Person, Firm or Corporation Holding a Valid and Subsisting Certificate of Authority Issued Pursuant to Said Section 4140.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Abstract Records and Registered Abstracter Required.** Any person, firm or corporation desiring to engage in or continue the business of making and com- Records and registration.

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piling abstracts of title to real estate within the State of Montana, shall have for use in such business a set of abstract books or other system of indices or records showing in a sufficiently comprehensive form all instruments affecting title to real property on file or of record in the office of the County Clerk and Recorder of each county wherein they abstract the titles of the lands, lots or tracts of land in said counties or county, and shall have in charge of such business a registered abstracter, as hereinafter defined, and shall first obtain a Certificate of Authority, and file and furnish the bond or other securities required, and shall comply with the other requirements herein provided, save and except as may be hereinafter expressly excepted.

Certificate and bond.

Section 2. **Board of Examiners.** There is hereby created a Board to be known as the Abstracters Board of Examiners, to carry out the purposes and enforce the provisions of this article; said Board shall consist of three members to be appointed by the Governor of the State of Montana, and who shall at all times be Registered Abstracters as provided in this Act, and no two members of said Board shall be appointed from the same county. Each member of said Board shall serve thereon for a term of three years and until his successor is appointed and qualified, excepting that the first members of said Board shall be appointed from abstracters who have been actively engaged in the preparation of abstracts of title to real estate in the State of Montana for at least five years immediately preceding the 1st day of March, 1931, and who can qualify under Section 9 of this Act, and shall be appointed, one for one year, one for two years and the other for three years; the term of office to commence on the date this law goes into effect. Each member of said Board shall qualify by taking the oath provided by law for public officers; vacancies on said Board caused by death, resignation or otherwise shall be filled by appointment by the Governor, as above provided.

Board of Examiners, term, etc.

Section 3. **Organization of Board.** Said Board shall organize by the election of a chairman and a secretary. The secretary may or may not be a member of said Board, but shall be a registered abstracter as hereinafter defined and shall be engaged in that business. The Board shall have a seal and shall have the power to compel the

Organization of Board.

Seal and rules.

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attendance of witnesses, and the chairman and secretary shall have power to administer oaths. Said Board may adopt such rules and regulations as it shall deem necessary for the proper administration of its powers and duties and the carrying out of the purposes of this Act.

Compensation of members of board.

Section 4. **Compensation of Members of Board—Disposition of Funds.** Each member of the Board shall receive a compensation of Five Dollars per day for actual services while attending meetings or otherwise engaged upon business connected with the Board, and shall receive ten cents per mile for each mile actually traveled, and the further sum of Five Dollars per day for expenses while absent from home upon business connected with the Board, which amount shall be paid upon verified vouchers after allowance by said Board out of any funds in the hands of the State Treasurer in the Abstracters Board Fund.

Fund and disposition thereof.

Proviso.

And there is hereby established a fund to be known as the Abstracters Board Fund. All fees and moneys received under the provisions of this Act shall be deposited with the State Treasurer to the credit of the Abstracters Board Fund, to meet the expenses incurred in carrying out the provisions of this Act; provided, the expenses of said Board shall not exceed the fees collected.

Board records.

Section 5. **Records of Board.** Said Board shall keep a register, wherein it shall enter the name of all applicants for registration, and for Certificates of Authority, with their place of business and such other information as may be deemed appropriate, including the action taken by said Board thereon, and the dates upon which Certificates of Registration and Certificates of Authority are issued.

Board reports.

Section 6. **Reports of Board.** Said Board shall make a biennial report to the Governor, which report shall contain a full statement of its receipts and disbursements for the preceding biennial term; also a full statement of its doings and proceedings and such recommendations as to it may seem proper for the better carrying out of the intents and purposes of this Act, which said report shall not be printed except as the expense of the fund herein provided for.

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Definition of registered abstracter.

Section 7. **Registered Abstracters Defined.** Registered abstracters, within the meaning of this Act, shall comprise all persons who shall, on the 1st day of March, 1931, be in charge, either individually or jointly with other persons, of an abstract office which is the holder of a valid and subsisting Certificate of Authority issued by the State Treasurer of the State of Montana under the provisions of Section 4140 of the Revised Codes of Montana, 1921, and who shall obtain a Certificate of Registration as hereinafter provided, or persons who shall be granted certificates of registration by the said Abstracters Board of Examiners after the passage of this Act.

Application and examination of applicants.

Section 8. **Examination of Applicants.** Any person desiring to obtain a Certificate of Registration under this Act shall make application to said Board therefor and shall pay to the Secretary of said Board an examination fee of Twenty-five Dollars, except as hereinafter provided. Such application shall be upon a form to be prepared by said Board and to contain such information as may be desired by it. Thereupon said Board shall fix a date and place for the examination of such applicant, of which notice shall be given to applicant by mail, who shall present himself at such meeting; whereupon said Board shall proceed to examine such applicant or applicants under such rules and regulations as may be by said Board prescribed.

Registration without examination.

Fee.

Section 9. **Registration of Abstracters Without Examination.** Any person, who, on the 1st day of March, 1931, is in charge, either individually or jointly with other persons, of an abstract office which is the holder of a valid and subsisting Certificate of Authority issued by the State Treasurer of the State of Montana under the provisions of Section 4140 of the Revised Codes of Montana, 1921, and who shall make application to the Abstracters Board of Examiners prior to the expiration of said Certificate of Authority, shall upon the payment of a fee of Five Dollars, be issued a Certificate of Registration, without examination, under such rules as may be provided by said Board.

Certificate of registration.

Section 10. **Certificate of Registration—Contents and When Issued.** The Certificate of Registration issued by said Board under the provisions hereof shall recite, among other things, that the holder thereof has complied

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with the provisions of this Act relating to examination or otherwise, and shall entitle the holder of such Certificate of Registration to take charge of any abstract office in any county in this state holding a Certificate of Authority under the provisions of this Act. Contents and issuance.

Certificates of Registration shall be issued upon the payment of Five Dollars fee and shall be valid for one year from the date thereof but shall be renewed annually by said Board upon application within thirty days prior to the expiration thereof upon a payment of One Dollar to the Secretary of said Board. Said Board may issue Temporary Certificates of Registration in their discretion between meetings of said Board. Fee. Renewal. Temporary certificates.

Section 11. **Certificate of Authority — Contents and When Issued.** Any person, firm or corporation desiring to obtain a Certificate of Authority under this Act shall make application to said Board therefor and shall pay to the Secretary of said Board an application fee of Five Dollars. Such application shall be upon a form to be prepared by said Board and to contain such information as may be desired by it. Application fee. Form.

Every person, firm or corporation, who shall furnish satisfactory proof to said board that applicant has for use in such business a set of abstract books or other system of indices and shall have in charge of such business a registered abstracter as provided for in Section One hereof, and shall furnish the bond, or other securities, and pay the application fee herein provided, shall be entitled, upon compliance with the other provisions of this law, to receive from said Board a Certificate of Authority. Qualifications.

Certificates of Authority shall be valid for one year from the date thereof but shall be renewed by said Board upon application within thirty days prior to the expiration thereof upon payment of Five Dollars to the Secretary of said Board, which application shall be accompanied by an affidavit and such other evidence deemed necessary, showing that applicant has complied with the provisions of this Act. Term.

The Certificate of Authority issued by said Board under the provisions hereof, shall, among other things, recite that the bond or bonds, or other securities, as here-

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Contents of certificate.

inafter required have been duly filed and approved, and such certificate shall authorize the person, firm or corporation, named in it, to engage in and carry on the business of an abstracter of real estate titles in the county or counties of the State of Montana, in which said person, firm or corporation has for use a set of abstract books or system of indices as provided for in Section One hereof, and for that purpose to have access to the public records in any office of any city, county or of the State during office hours, and to make such memoranda or notation therefrom as may be necessary for the purpose of making such abstracts, and the compiling, posting, copying and keeping up of their abstract books, indices or records, such access to be during ordinary office hours.

No records necessary under certain conditions.

Section 12. **No Abstract Books or Indices Required Under Certain Conditions.** Any person, firm or corporation not having the abstract books or indices as required by Section One hereof, and who, upon the 1st day of March, 1931, is the holder of a valid and subsisting Certificate of Authority issued by the State Treasurer of the State of Montana pursuant to Section 4140 of the Revised Codes of the State of Montana, 1921, and who shall make application to said Board prior to the expiration of such Certificate of Authority, and who shall comply with the other requirements hereof providing for a registered abstracter, bond and other provisions, shall, upon the payment of Five Dollars as is herein provided, be issued a Certificate of Authority under the provisions of this Act.

Proof of good faith for completion of records.

Any person, firm or corporation, desiring to engage in the business of making and compiling abstracts of title to real property in any county in this State and who is not at the time of making application to said Board for a Certificate of Authority provided with the abstract books or indices to the records in the County Clerk and Recorder's office of such county as required by Section One hereof, and who can comply with the other requirements hereof providing for a registered abstracter, bond and other provisions, shall, upon submitting satisfactory proof to said Board that he has been engaged in good faith in the preparation of such abstract books or indices and that upon the date of such application that such abstract books or indices are at least

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fifty per cent completed and that he intends to complete the same, and upon the payment of Five Dollars, be issued a Temporary Certificate of Authority good for a period of one year, and, upon good cause being shown to said Board, such Certificate may be renewed, upon payment of Five Dollars, for an additional term of one year only.

Temporary certificates.

Section 13. **Bond or Other Securities Required.** Before a Certificate of Authority shall be issued, the applicant shall file with the Board a bond or bonds, to be approved by it, running to the State of Montana, in the penal sum of Five Thousand Dollars, for the use of any owner, mortgagee or other person having an actual interest in the real estate covered by an abstract of title, or any title insurance company licensed and authorized to do business in this State, who may be aggrieved; such bond or undertaking shall be conditioned for the payment by such abstracter of any and all damages that may be sustained by or may accrue to any such person or company by reason of or on account of any error, deficiency or mistake in any abstract or certificate of title, or any continuation thereof, made or issued by such abstracter; said bond shall be written by some surety or other company issuing such bonds and licensed and authorized to do business in this state, and no personal bonds are to be accepted under this provision. The bond or undertaking herein provided for shall be in full force and effect for a period of one year, and may be renewed annually by a continuation certificate; such continuation certificate, however, shall not increase the amount of liability under the original bond. Provided, however, that no person, firm or corporation shall be required at any time to have in force and effect with said Board, valid bonds in excess of the penal sum of Five Thousand Dollars.

Bond.

Contents and term of bond.

Proviso.

And provided, however, that in lieu of such bond or bonds, said applicant may deposit with the State Treasurer of the State of Montana public bonds or other securities as the Board may prescribe, approve and deem fully sufficient to insure the payment of the penal sum of Five Thousand Dollars. Such securities so deposited may be exchanged from time to time, with the approval of the Board, for other securities. The party so depositing such securities shall have the right and shall be per-

Securities in lieu of bonds.

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mitted to receive the interest and dividends on the securities so deposited. Said securities shall be subject to sale and transfer and to the disposal of the proceeds by said Board only on the order of a court of competent jurisdiction, and for the benefit of persons aggrieved as in this section provided. The State Treasurer shall give his receipt for such securities, and the State shall be responsible for their custody and safe return.

When salable.

Section 14. **Seal.** Any person, firm or corporation furnishing abstracts of title to real property under the provisions hereof shall provide a seal, which seal shall have stamped thereon the name and location of such person, firm or corporation, and shall deposit with the secretary of the Board an impression of such seal and the names of persons authorized to sign certificates to abstracts before the Certificate of Authority shall issue, which seal shall be affixed to every abstract or certificate of title issued by such person, firm or corporation, and to every continuation thereof.

Seal.

Section 15. **Regulation and Appeal.** The Board shall have, and it is hereby given the power to cancel and revoke any certificate of registration issued to any person under the provisions of this Act for a violation of any of the provisions of this Act, or upon a conviction of the holder of such certificate of a crime involving moral turpitude, or if the Board finds such holder to be guilty of habitual carelessness or inattention to business or of fraudulent practices. The Board shall also have and it is hereby given the power to cancel and revoke any certificate of authority issued to any person, firm or corporation under the provisions of this Act for failure to furnish the bond or bonds, or other securities, required by Section 13 hereof, or such new or additional bonds as the Board deems necessary, or for failure to maintain such indices and abstract records, or for failure to have in charge of such business a registered abstracter as herein provided, or shall otherwise violate any of the provisions of this Act. Upon a verified complaint being filed with the Board charging the holder of a certificate of registration with a violation of any of the provisions of this Act or conviction of a crime involving moral turpitude, or with habitual carelessness, or inattention to business, or fraudulent practices, or charging the holder of a certificate of authority with failure to furnish the

Regulation.

Powers of board.

Complaint.

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bond or bonds, or other securities, required by Section 13 hereof, or such new or additional bonds, or securities as the Board deems necessary, or with failure to have in charge of his or its abstract business, a registered abstracter as herein provided, or with a violation of any of the provisions of this Act, the Board shall immediately notify in writing said holder of such certificate, of the filing of said complaint and furnish the said holder with a copy of the said complaint. The Board shall at the same time require the holder of such Certificate to appear before it on a day fixed by said Board, not less than twenty nor more than forty days from the date of the service of said complaint on the holder of such Certificate, and to show cause why the said Certificate should not be canceled and annulled. The Board shall cause a transcript of any testimony taken, to be made by a stenographer. Either the abstracter or the complainant may appeal from the decision of the Board to the District Court of the county in which the abstracter has his or its place of business. Such appeal shall be taken within thirty days after the decision of the Board, by causing a written notice of appeal to be served on the Secretary of the Board and executing a bond to the State of Montana, with surety to be approved by the Secretary of the Board, conditioned to prosecute such appeal to effect and to pay all costs that may be adjudged against the appellant. The Secretary of the Board, upon an appeal being taken, must immediately make out a return of the proceedings in the matter before the Board, with its decision thereon, and file the same, together with the bond and all the papers therein in his possession, including a certified record of the testimony taken at the hearing, with the Clerk of the District Court to which said appeal is taken. The district court shall hear the appeal in a summary manner on such record, and the cost of such appeal including the furnishing of the testimony shall be taxed against either the abstracter or the complainant, whichever is defeated on such appeal. An appeal shall stay the cancellation of any Certificate of Registration or Certificate of Authority until the final decision on appeal.

Notice.

Appeal.

Return of proceedings.

Costs on appeal.

Appeal a stay.

Section 16. **Abstract Prima Facie Evidence of Its Contents.** Any abstract of title to real estate, certified to be true and correct by any abstracter holding a valid and

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Abstract prima facie evidence of contents.

subsisting Certificate of Authority from the Board, as herein provided, shall be received by the courts of this state as prima facie evidence of its contents under such rules and regulations as to procedure as such courts may promulgate.

Penalty.

Section 17. **Penalty.** Any person, firm or corporation, making, compiling or certifying to abstracts of title to real property in this State without having complied with the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding Six Hundred Dollars nor less than One Hundred Dollars for each offense. This Act does not impair the right of any person to examine the public records and to make such copies or abstracts of instruments filed or recorded as he or she may desire.

Rights of public.

To whom not applicable.

Section 18. **To Whom Provisions of This Act Shall Not Apply.** Nothing in this Act shall be construed as prohibiting any person, firm or corporation holding a valid and subsisting Certificate of Authority as herein provided, from employing such additional clerical and stenographic assistants as may be necessary; provided, however, that such assistants are at all times under the supervision of a Registered Abstracter, and provided further, that the provisions of this Act shall not apply to County Clerks and Recorders or persons employed by counties in the preparation of abstracts of title.

Proviso.

Proviso.

Repealing clause.

Section 19. **Repeal.** All laws and parts of laws in conflict herewith and particularly Section 4143 as amended by Chapter 60 of the Laws of the Nineteenth Legislative Assembly of the State of Montana, and Sections 4139, 4140, 4144, 4145 and 4146 of the Revised Codes of Montana, 1921, are hereby repealed, excepting that any person, firm or corporation who on March 1, 1931, shall hold a valid and subsisting Certificate of Authority issued pursuant to Section 4140 Revised Codes, 1921, shall not be required to comply with the provisions of this Act until such Certificate so issued under said Section 4140 shall expire; provided, however, that upon the expiration of said Certificate, the same shall not be renewed.

Saving clause.

Section 20. If any section, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional

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or invalid such decision shall not affect the validity of the remaining portions of the same.

Section 21. This Act shall be in full force and effect from and after April 1st, 1931.

Approved March 9, 1931.

CHAPTER 106.

An Act to Amend Sections 8607, 8608, 8609 and 8610 of the Revised Codes of Montana of 1921, Regulating the Sales in Bulk of Goods, Wares, Merchandise and Trade Fixtures, and All Personal Property Used in the Business of the Vendor, and Making Provision for the Protection of Creditors of the Vendor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8607, of the Revised Codes of the State of Montana of 1921, be and the same is hereby amended so as to read as follows:

Section 8607. **Sale of Goods, Wares, Merchandise and Trade Fixtures, and Personal Property, in Bulk—Seller to Furnish Statement.** It shall be the duty of every person who shall bargain for or purchase, in bulk, for cash or on credit, any stock of goods, wares, merchandise and trade fixtures, and personal property used in the business of the vendor, before paying to the vendor, or his agent or representative, any part of the purchase price thereof, or any promissory note or other evidence of indebtedness therefor, to demand of and receive from such vendor, or his agent or representative, or if the vendor or agent or representative be a corporation, then from the president, vice-president, secretary or managing agent of such corporation, and it shall be the duty of the vendor, or his agent or representative, to give the vendee a written statement, sworn to as hereinafter provided, which statement shall contain:

Bulk sales.

Those applicable.

Must furnish statement.

1. The names and last known addresses of the creditors of the vendor who have claims due or owing, or which shall become due or owing, from the vendor for or on account of goods, wares, merchandise and trade fixtures, and personal property used in the business of the vendor, purchased by the vendor upon credit.

Contents.

Creditors for goods furnished.

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Creditors for loans.

2. The names and last known addresses of the creditors of the vendor from whom the vendor borrowed money which was used in the business of the vendor.

Amount of debts.

3. The correct amount of the indebtedness due or owing or which shall become due or owing, by the vendor to each of such creditors.

Inventory.

4. A true and detailed inventory of the goods, wares, merchandise and trade fixtures, and personal property used in the business, sold by the vendor to the vendee.

The correct sale price.

5. The correct sale price. (The statement shall be signed by the vendor, his agent or representative, and shall be verified by an oath substantially as follows:

Verification.

State of Montana }
} ss.
County of ..... }

Before me personally appeared..... (vendor, or agent or representative, as the case may be), who being by me first duly sworn upon his oath doth depose and say: (That the annexed statement is full, true and correct, and contains all of the matters and things required by law to be stated therein; that there are no creditors of the vendor holding claims due or owing, or which shall become due or owing, for or on account of goods, wares, merchandise and trade fixtures, and personal property used in the business of the vendor) purchased upon credit, and there are no creditors of the vendor holding claims due or owing, or which shall become due or owing, for or on account of money borrowed by the vendor and used in the business of the vendor, other than as set forth in said statement.

.....

Subscribed and sworn to before me this..... day of..... 19..... (Name and title of officer administering oath.)

It shall also be the duty of each person who shall bargain for or purchase, in bulk, for cash or on credit, any stock of goods, wares, merchandise and trade fixtures. and personal property used in the business of the vendor, before paying to the vendor, or his agent or representative, or delivering to the vendor, or his agent or representative, any part of the purchase price thereof, or any

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promissory note or other evidence of indebtedness thereof, to notify personally, or by registered mail, each creditor whose name is contained in the list to be furnished by the seller, that he is about to purchase such stock of goods, wares, merchandise and trade fixtures, and personal property used in the vendor's business, describing it generally and by location, and the name of owner, such notice to be mailed or given not less than ten days prior to paying for such stock of goods, wares, merchandise and trade fixtures, and personal property used in the vendor's business, and any creditor whose name has been omitted from such list may give written notice of his claim to the person making the purchase, and shall be entitled to share equally with other creditors benefited by such act.

Notice to creditors.

Notice of omitted creditor.

Section 2. That Section 8608 of the Revised Codes of the State of Montana of 1921, be and the same is hereby amended so as to read as follows:

Section 8608. **Sale Without Statement and Notification Fraudulent and Void.** Whenever any person shall bargain for or purchase, in bulk, for cash or on credit, any stock of goods, wares, merchandise and trade fixtures, and personal property used in the business of the vendor, and shall pay any part of the purchase price, or execute and deliver to the vendor, or to his order, or to any person for his use, any promissory note or other evidence of indebtedness for said purchase price, or any part thereof, without first having demanded and received from the vendor, or his agent or representative, the statement provided for in Section 8607, verified as therein provided, and without notifying each creditor, as provided for in Section 8607, and without paying or seeing that the purchase money is applied to the payment of the claims of such creditors of the vendor, as shown in such verified statement, pro rata, and including those creditors who were not named in the list but gave written notice that they were creditors of the vendor, such sale or transfer shall be fraudulent and void as to such creditors.

Sale without notice and statement.

Fraudulent and void.

Section 3. That Section 8609 of the Revised Codes of the State of Montana of 1921, be and the same is hereby amended so as to read as follows:

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Penalty for false statement.

Section 8609. **Penalty for False Statement.** Any vendor of any stock of goods, wares, merchandise and trade fixtures, and personal property used in the business of the vendor, in bulk, or any person who is acting for or on behalf of any vendor, who shall knowingly or wilfully make and deliver, or cause to be made and delivered, a statement and verification as provided in Section 8607, which shall not include the names of all creditors of such vendor called for by said Section 8607, with the correct amount due or owing, or which shall become due or owing, to each of such creditors, or which shall contain any false or untrue statement, shall be deemed guilty of perjury, and, upon conviction, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years, or shall be fined in any sum not exceeding one thousand dollars.

Section 4. That Section 8610 of the Revised Codes of the State of Montana of 1921, be and the same is hereby amended so as to read as follows:

What constitutes a bulk sale.

Section 8610. **What Constitutes a Sale in Bulk Within This Act.** A sale in bulk, in contemplation of this Act, shall be deemed to be any sale in one transaction of an entire stock of goods, wares, merchandise or trade fixtures, or personal property, or of an entire stock of a particular character of goods, wares, merchandise or trade fixtures, or personal property of the vendor's business; provided, however, that if such vendor produces and delivers a written waiver of the provisions of this Act from his creditors, as shown by such verified statements, then in that case the provisions of this Act shall not apply.

Proviso.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect upon its passage and approval.

Approved March 9, 1931.

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CHAPTER 107.

An Act to Amend Section 8416 Revised Codes 1921 Relating to Negotiable Instruments.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 8416 Revised Codes of Montana 1921 be and the same is hereby amended to read as follows:

Section 8416. **When Payable to Bearer.** The instrument is payable to bearer:

1. When it is expressed to be so payable; or,

Conditions making an instrument payable to bearer.

2. When it is payable to a person named therein, or bearer; or,

3. When it is payable to the order of a fictitious or non-existing or living person not intended to have any interest in it, and such fact was known to the person making it so payable, or known to his employee or other agent who supplies the name of such payee.

4. When the name of the payee does not purport to be the name of any person; or,

5. When the only or last indorsement is an indorsement in blank.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

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CHAPTER 108.

An Act to Amend Section 94 of Chapter 89 of the Laws of Montana of 1927, Relating to Consolidation of Banks.

Be it enacted by the Legislative Assembly of the State of Montana:

Consolidation of banks.

Section 1. That Section 94 of Chapter 89 of the Laws of 1927 be, and the same is hereby amended to read as follows:

"Section 94. **Consolidation of Banks.** Any two or more banks doing business in this State, may, with the approval of the Superintendent of Banks, in the case of State banks, consolidate, join and merge into one bank under, into and with the charter of either existing bank hereinafter referred to as the consolidated bank, on such terms and conditions as may be lawfully agreed upon by a majority of the board of directors of each bank proposing to consolidate, and be ratified and confirmed by the consent in writing of the shareholders of each such bank owning at least two-thirds of its capital stock outstanding; PROVIDED, that the capital stock of such consolidated bank shall not be less than that required under existing law for the organization of a bank of the class of the largest of the banks so consolidating.

Proviso.

Upon such consolidation the corporate franchise, corporate life, being and existence, and the corporate rights, powers, duties, privileges, franchises and obligations, including the rights, powers, duties, privileges and obligations as trustee, executor, administrator, guardian and all and every right, power, duty, privilege and obligation as fiduciary, together with title to every species of property, real, personal and mixed, of such consolidating bank and banks shall, without the necessity of any instrument of transfer, be and become merged and continued in and held enjoyed and or assumed by the consolidated bank, and such consolidated bank shall have and enjoy the right equal as to priorities with any other applicant to appointment by the courts to the offices of executor, administrator, guardian and or trustee under any will or other instrument made prior to such consolidation and by which will or instrument such consolidating bank was nominated by the maker to such office.

What rights merge.

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The word "bank" or "banks" as used in this section, shall be held to include commercial banks, savings banks, trust companies, investment companies and other such corporations carrying on the business of banking, trust company or investment company under the laws of this State or doing business in this State under the National banking laws of the United States."

Definitions of banks.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 109.

An Act Providing for the Adoption of the Managerial Form of County Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any county in the state is hereby authorized to adopt a county manager form of government as herein defined, and in accordance with the procedure herein specified.

Managerial form of government.

Section 2. **Method of Adoption.** (a) Upon a petition filed with the Board of County Commissioners signed by not less than 20 per cent of the whole number of voters who voted at the last general election asking that a referendum be held on the question of adopting the county manager form of government, it shall be the duty of the Board of County Commissioners to submit the question at the next regular election or call a special election for the purpose. If a special election is called it shall be held not more than sixty days nor less than thirty days from the filing of the petition, but not within thirty days of any general election. The question submitted shall be worded: "Shall the county manager form of government be adopted in.....County?"

Method of adoption.

Petition.

Special election.

Wording.

(b) It shall be the duty of the Board of County Commissioners to publish a notice of the referendum in a daily paper twice a week for a period of three consecutive weeks, or in case there is no daily paper of wide circulation in the county, then in a weekly paper for four consecutive weeks.

Publication of notice.

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Majority vote.

(c) If a majority of the votes cast on the question at the election shall be in favor of the county manager form of government it shall go into effect at a date designated in the petition or resolution. Provided: that no elected official then in office, whose position will no longer be filled by popular election, shall be retired prior to the expiration of his term of office.

Proviso.

Powers in Board of County Commissioners.

Section 3. The powers of a county as a body politic and corporate shall be vested in a board of county commissioners and exercised in the manner provided in this Act.

Powers of County Board.

Section 4. **Powers and Duties of the County Board.** (a) The board of county commissioners (hereinafter called the county board) shall be the policy-determining body of the county, and except as otherwise provided by law, shall be vested with all the powers of the county, including power to levy taxes and to appropriate funds.

Policy determining.

Taxes.

Investigation.

(b) The county board is vested with full power to inquire into the official conduct of any officer or office under its control and to investigate the accounts, disbursements, bills and receipts of any county, district or township officer, and for these purposes may subpoena witnesses, administer oaths and require the production of books, papers and other evidence; and in case any witness fails or refuses to obey any such lawful order of the county board, he shall be deemed guilty of a misdemeanor.

Preserve order.

Fines and penalties.

(c) The county board shall have power to preserve order in its sessions and for this purpose may enforce obedience by fines not exceeding five dollars, or by imprisonment in the county jail for a period not exceeding twenty-four hours.

Salaries. Fees.

(d) The county board shall have power to put all officers of the county on a salary basis, and to require all fees to be accounted for and paid into the county treasury.

(e) Whenever in any county adopting this Act it is not clear what officer provided for thereby or under the authority thereof should exercise any power or perform any duty conferred upon or required of the county, or any officer thereof, by general law, then any such power

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shall be exercised or duty performed by that officer of the county designated by ordinance or resolution of the county board.

Ordinance or resolution.

Section 5. **County Board Not to Interfere in Appointments or Removals.** Neither the county board nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the county manager or any of his subordinates, or in any manner take part in the appointment or removal of officers or employees in the administrative service of the county. Except for the purpose of inquiry or in emergencies, the county board and its members shall deal with that portion of the administrative service over which the manager is responsible solely through the manager, and neither the county board nor any member thereof shall give orders to any subordinate of the county either publicly or privately. Any violation of the provisions of this section by a member of the county board shall be a misdemeanor, conviction of which shall immediately result in the forfeiture of his office by the member so convicted.

County Board not to interfere in appointments or removals.

Penalties.

Section 6. **Appointment of Manager.** (a) The county board shall appoint a county manager and fix his compensation. He shall be the administrative head of the county government, and shall devote his full time to this work. He shall be appointed with regard to merit only, and he need not be a resident of the county at the time of his appointment. No member of the county board shall, during the time for which elected, be chosen manager, nor shall the managerial powers be given to a person who at the same time is filling an elective office.

Appointment to office.

Those eligible.

(b) The manager shall not be appointed for a definite tenure, but shall be removable at the pleasure of the county board. In case the county board determines to remove the manager, he shall be given, if he so demands, a written statement of the reasons alleged for the proposed removal and the right to a hearing thereon at a public meeting of the county board prior to the date on which his final removal shall take effect, but pending and during such hearing the county board may suspend him from office, provided that the period of suspension shall be limited to thirty days. The action of the board in suspending or removing the manager

Removal.

Statement of reasons.

Public hearing.

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shall not be subject to review. In case of the absence or disability of the manager the county board may designate some responsible person to perform the duties of the office.

Appointment of subordinates.

Section 7. **Appointment of Subordinates.** The manager shall be responsible to the county board for the proper administration of all the affairs of the county which the board has authority to control. To that end he shall appoint all officers and employees in the administrative service of the county, except as otherwise provided in this Act, and except as he may authorize the head of a department or office responsible to him to appoint subordinates in such department or office. All appointments shall be on the basis of the ability, training and experience of the appointees which fit them for the work which they are to perform. All such appointments shall be without definite term unless for temporary service not to exceed sixty days.

Civil service.

Section 8. Nothing in this Act shall be construed to repeal or counteract existing civil service provisions of the state law.

Removal of officers or employees.

Statement.

Records.

Section 9. **Removal of Officers or Employees.** Any officer or employee of the county appointed by the manager, or upon his authorization, may be laid off, suspended or removed from office or employment either by the manager, or the officer by whom appointed. Any director of a department or other officer who has been suspended or removed by the manager, within five days thereafter shall be given a written statement setting forth the reasons for dismissal, if he so requests. A copy of the written statement giving reasons for dismissal, a copy of the written reply thereto by the officer involved, and a copy of the decision of the manager shall be filed as a public record in the office of the clerk to the county board.

Right to attend County Board meetings.

Section 10. **Right to Attend County Board Meetings.** The manager, the directors of all departments, and all other officers of the county shall be entitled to be present at all sessions of the county board. The manager shall have the right to present his views on all matters coming before the county board and the directors and other officers shall be entitled to present their views relating to their respective departments or offices. This

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right shall apply to all officers of the county whether elective or appointive.

Section 11. **Powers and Duties of the County Manager.** (a) As the administrative head of the county government for the county board, the manager shall supervise the collection of all revenues, guard adequately all expenditures, secure proper accounting for all funds, look after the physical property of the county, exercise general supervision over all county institutions and agencies, and, with the approval of the county board, coordinate the various activities of the county and unify the management of its affairs.

Powers and duties.

Funds.

Institutions.

(b) He shall execute and enforce all resolutions and orders of the county board, and see that all laws of the state required to be enforced through the county board or other county officers subject to its control are faithfully executed.

Resolutions and law enforcement.

(c) He shall attend all meetings of the county board and recommend such actions as he may deem expedient.

Recommendations.

(d) He shall appoint all officers and employees in the administrative service of the county, except as otherwise provided in this Act and except as he may delegate that power.

Appointments.

(e) He shall fix, with the approval of the county board, the compensation of all officers and employees whom he or a subordinate appoints.

Compensation of employees.

(f) He may remove such officers, agents, and employees as he may appoint, and he shall report every appointment or removal to the next meeting of the county board.

Removal of employees.

(g) He shall prepare and submit the annual budget, and execute the budget in accordance with the resolutions and appropriations made by the county board.

Budget.

(h) He shall make regular monthly reports to the county board in regard to matters of administration, and keep the board fully advised as to the financial condition of the county.

Monthly reports.

(i) He shall examine regularly the books and papers of every officer and department of the county and report to the county board the condition in which he finds them. He may order an audit of any office at any time.

Examination of departments.

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Other duties.

(j) He shall perform such other duties as may be required of him by the county board.

Section 12. **Administrative Activities.** (a) The county manager shall be responsible to the county board for the administration of the following activities, unless otherwise authorized by the county board or directed by laws; (1) the assessment of property for taxation and the preparation of the tax roll; (2) the collection of taxes, license fees, and other revenues of the county and its subdivisions; (3) the custody and accounting of all public funds belonging to or handled by the county; (4) the purchase of all supplies for the county except those specifically excepted in this Act; (5) the care of all county buildings; (6) the care and custody of all the personal property of the county; (7) the recording of deeds, mortgages and other instruments, and the entry and preservation of such other public records as the law requires; (8) the construction and maintenance of county highways and bridges; (9) the employment of prisoners; (10) the care of the poor, the operation of county charitable and correctional institutions, and the other welfare activities; (11) public health work and the operation of the county hospitals; (12) any or all matters of property and business in connection with the administration of schools and other governmental units within the county which shall be delegated to him by these units with the approval of the county board; (13) such other activities of the county as are not specifically assigned to some other officers or agency by this Act or by laws of the state subsequently enacted.

Administrative activities.

Assessments.

Collection of taxes, etc.

Supplies.

Buildings.

Custodian.

Recording.

Highways.

Prisoners.

Poor.

Health.

Schools.

Other activities.

(b) These activities shall be distributed among the departments hereinafter described. There shall be a department of finance, a department of public works, a department of public welfare; and the county board may, upon recommendation of the county manager, establish additional departments. Any activity which is unassigned by this Act shall be assigned by the county board to an appropriate department, and any activity so assigned may, upon the recommendation of the county manager, be transferred by the board to another department.

Distribution of duties.

Departments.

(c) The manager shall appoint a director for each department provided for or authorized by this Section, and he may, with the consent of the County Board, act

Directors and employees.

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as the director of one department himself or appoint one director for two or more departments. The subordinate officers and employees of each department shall be appointed or employed by the manager, unless he chooses to delegate this power in particular instances to a subordinate officer.

Compensation.

Section 13. **Compensation Established by County Board.** The county board shall establish a schedule of compensation for officers and employees which shall provide uniform compensation for like service. Such schedule of compensation may establish a minimum and maximum for any class, and an increase in compensation, within the limits provided for by any class, may be granted at any time by the county manager or other appointing authority upon the basis of efficiency and seniority records.

Advisory boards.

Section 14. **Advisory Boards.** The manager may appoint a board of citizens qualified to act in an advisory capacity to the head of any specified department or office. The members of all such boards shall serve without compensation and it shall be their duty to consult and advise with the officer in charge of the office or department for which they are appointed but not to direct the conduct of such department or office.

Preparation and submission of budget.

Section 15. **Preparation and Submission of the Budget.** On or before the 20th day of July of each year the manager shall prepare and submit to the county board a budget presenting a financial plan for conducting the affairs of the county for the ensuing year. The budget shall be set up in the manner prescribed by general statute and shall be published prior to the date of adoption by the County Board.

Department of finance and duties.

Section 16. **Department of Finance.** (a) The director of finance shall have charge of the administration of the financial affairs of the county, including the budget; the assessment of property for taxation; the collection of taxes, license fees, and other revenues; the custody of all public funds belonging to or handled by the county; control over the expenditures of the county and its subdivisions; the disbursement of county funds; the purchase, storage and distribution of all supplies, materials, equipment, and contractual services needed by any department, office, or other using agency of the county;

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the keeping and supervision of all accounts; and such other duties as the county board may by ordinance or resolution require.

Expenditures by appropriations.

(b) No money shall be drawn from the treasury of the county, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance or resolution or legally enacted supplement thereto. Accounts shall be kept for each item of appropriation made by the county board. Each such account shall show in detail the appropriations made thereto, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the obligation entailed by contract, agreement, or order.

Assessor.

(c) The director of finance shall either act as county assessor or shall appoint and have supervision over this official. The assessor and his deputies shall have the powers, qualify in the manner, and perform the duties prescribed by general law.

Tax Collector and Treasurer.

Proviso.

Funds.

Security for depository.

(d) The director of finance shall either act as tax collector and county treasurer or shall appoint and have supervision over these officials; provided, that in lieu of the election or appointment of a treasurer the county board may select and designate annually, by ordinance or recorded resolution, some bank or banks or trust company as an official treasury for the funds of the county. All moneys received by any officer or employee of the county for or in connection with the business of the county shall be paid promptly into the hands of the county treasurer or the bank or trust company acting as county treasury. Any bank serving as a depository for county funds shall be subject to such requirements as to security therefor and interest thereon as prescribed by General Statute. All interest on money so deposited shall accrue to the benefit of the county.

Record books.

Report to Board.

(e) The director of finance shall be charged with the keeping of all general books of financial and budgetary control for all departments and offices of the county. Report shall be made to him daily, or as often as he may require, showing the receipt of all moneys and disposition thereof. He shall submit to the county board through the manager each month a summary statement of reve-

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nues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the county and of each department and division thereof. He shall submit once a year, or more often if the county board requires it, a complete financial statement showing the assets and liabilities of the county and of each of its subdivisions.

Financial statement.

(f) The county board shall require an annual audit of the books of every county officer who handles public funds, to be made by an accountant who is not a regular officer or employee, and who is thoroughly qualified by training and experience. If the State provides an auditing service, whether at the expense of the State or the county, such audit may be considered as having satisfied the requirements of this section.

Audit of books.

Either the county board or the manager may at any time order an examination or audit of the accounts of any officer or department of the county government. Upon the death, resignation, removal, or expiration of the term of any officer of the county, the director of finance shall cause an audit and investigation of the accounts of such officer to be made and shall report the results thereof to the manager and the county board. In case of the death, resignation or removal of the director of finance, the county board shall cause an audit to be made of his accounts. If, as a result of any such audit, an officer be found indebted to the county, the county board shall proceed forthwith to collect such indebtedness.

Examination by Board or Manager.

Where audit required.

(g) The director of finance shall either act as purchasing agent or shall appoint and have supervision over this official. The purchasing agent shall make all purchases for the county in the manner, and with such exceptions, as may be provided by resolution of the county board. He shall have authority to make transfers of supplies, materials and equipment between departments and offices, to sell any surplus supplies, materials, or equipment, and to make such other sales as may be authorized by the county board. He shall also have power, with the approval of the county board, to establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the county, and to inspect all deliveries to determine their compliance with

Purchasing agent and duties.

Standards.

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Charge of stores.

such specifications and standards. He shall have charge of such storerooms and warehouses of the county as the county board may provide.

Bidding.

Before making any purchase or sale, the purchasing agent shall invite competitive bidding under such rules and regulations as the county board may by ordinance or resolution establish. The purchasing agent shall not furnish any supplies, materials, equipment or contractual services to any department or office except upon receipt of properly approved requisition and unless there be an unencumbered appropriation balance sufficient to pay for the same.

Requisition.

Department of Public Works.

Duties.

Section 17. **Department of Public Works.** The director of public works unless otherwise authorized by the county board or directed by law shall have charge of the construction and maintenance of county roads and bridges, county drains, and all other public works; the construction and care of public buildings, storerooms and warehouses, and such equipment and supplies as the county board may authorize; and shall perform such other duties as the county board may prescribe.

Department of Public Welfare.

Section 18. **Department of Public Welfare.** The director of public welfare shall have charge of poor relief, hospitals, charitable and correctional institutions, parks and playgrounds, and public health; and shall perform such other duties as the county board may prescribe.

Superintendent of Schools, Sheriff, County Attorney and Clerk of Court.

Proviso.

Employees.

Budget.

Section 19. The County Superintendent of Schools, County Sheriff, County Attorney and Clerk of the Court shall continue to be selected in the manner provided by the general statute, and to possess and exercise all powers as now provided by law, provided; however, that the deputies, including the undersheriff, and other employees of these offices shall come under the general provisions of this Act and be appointed and employed by the County Manager as in this Act provided. That such officers shall prepare and submit an Annual Budget for their respective offices in the manner now required by law to the County Manager which shall be included in the Budget required under Section 15 of this Act, and that all claims for salaries and other expenses of these offices shall be audited and allowed or rejected in the same manner as other county claims.

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Section 20. **Bonding of Officers.** The county manager shall give bond to the amount of not less than fifty thousand ($50,000.00) Dollars. The director of finance shall give bond to the amount of such bond as the Board of County Commissioners shall designate. In case the county manager serves also as director of finance, he shall give bond to the full amounts indicated above. The county board shall have the power to fix bonds in excess of these amounts, and to require bonds of other county officers in their discretion, conditioned on the faithful discharge of their duties and the proper accounting for all funds coming into their possession.

Bonding of officers.

Section 21. **Contract Interest Prohibited.** No member of the county board or other officer or employee of the county or person receiving a salary or compensation from funds appropriated by the county, shall be interested directly or indirectly in any contract to which the county is a party, either as principal, surety, or otherwise; nor shall any such officer or employee or his partner, agent, servant or employee or the firm of which he is a member purchase from or sell to the county, any real or personal property, nor shall he be interested, directly or indirectly, in any work or service to be performed for the county or in its behalf. Any contract made in violation of any of these provisions shall be void.

Interest in contracts prohibited.

Section 22. Provided that any county operating under the managerial form of government herein created may revert to the former form of government by petition and the same procedure as outlined in Section 2 of this measure.

May revert to other form.

Section 23. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 9, 1931.

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CHAPTER 110.

An Act to Amend Chapter 109 of the Session Laws of the State of Montana of 1927, Relating to the Regulation and Sale of Gasoline, Kerosene, Distillates, Oils and Greases, By Adding After Section 7, a New Section to be Known as Section 7A; Providing Grades and Specifications for Distillates Sold as "Tractor Fuel" or "Motor Fuel" Etc.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 109 of the Session Laws of the State of Montana of 1927 be and the same is hereby amended by adding after Section 7 a new Section to be known as Section 7-A as follows:

Grades of oils sold.

Section 7-A. All products sold under the titles "Tractor Fuels", "Motor Fuel", etc., shall be sold under the following grades, same to be designated as "treated" or "untreated" and invoice so show.

Grade A.

Grade A.

The oil shall be free from water, glue and suspended matter.

Gravity—Fuel under this class shall be 42° to 46° Baume gravity.

Distillation—End point shall not be higher than 550°F.

Grade B.

Grade B.

The oil shall be free from water, glue and suspended matter.

Gravity—Fuel sold under this class shall be 40°—42° Baume gravity.

Distillation—End point shall not be higher than 575°F.

Grade C.

Grade C.

Oil shall be free from water, glue and suspended matter.

Gravity—Fuel sold under this class shall be 36° to 40° Baume gravity.

Distillation—End point shall not be higher than 600°F.

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Grade D.

Fuels sold under this class shall be treated or untreated distillate not coming within above grades, but refiner or distributor shall state on invoice the character of the product covered by the invoice and a copy of the invoice shall be delivered to the purchaser. Grade D.

Section 2. **Treated**—Tractor fuel and motor fuels having a sulphur content not to exceed four-tenths of one per cent and meeting the following corrosion test shall be designated as treated: Treated. Sulphur content.

Corrosion Test. A clean copper strip shall not show more than slight discoloration when submerged in the fuel for three hours at 122° F. Corrosion test.

Untreated-tractor fuels having a sulphur content of more than four-tenths of one per cent or not meeting the above corrosion test shall be designated as untreated. Sulphur content for untreated tractor fuels.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 111.

An Act to Create Cooperative County State Protein Testing Laboratories, Making Provisions for Installing and Maintaining Same, Providing for the Issuance of Certificates of Analysis, Providing for Supervision and Regulation of Said Laboratories, Delegating Authority Under the Provisions of the Act and Providing for General Regulations and Funds to Carry Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever the word "laboratory" is mentioned in this Act, it shall be held to mean protein testing laboratory. Whenever the word "analyst" is mentioned in this Act, it shall be held to mean protein analyst. Definition of laboratory and analyst.

Section 2. The Commissioner of Agriculture, Labor and Industry, through the Division of Grain Standards and Marketing, shall be charged with the administration of this Act. Supervision.

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Testing laboratory.

Standard of analysis.

Section 3. The Commissioner of Agriculture shall establish, and maintain, one protein testing laboratory under the direction of the Chief Grain Inspector, and he, shall determine the standard of analysis, controlling all other laboratories operating under the provisions of this Act.

County Commissioners may establish laboratories.

Section 4. The Board of County Commissioners are hereby delegated general powers to establish in their discretion within their respective counties protein testing laboratories, when the order establishing the same has been approved by the Commissioner of Agriculture.

Costs of equipment.

Proviso for established laboratories.

Section 5. Whenever a laboratory is established under Section 4 of this Act, the cost of such equipment as may be required, and its installation, also the space it occupies, is to be provided by the county establishing said laboratory, providing that the Commissioner of Agriculture may when requested by the County Commissioners of any County, where a protein laboratory has been previously established, be authorized to make arrangements with the said County Commissioners of said County to retain its protein laboratory equipment, provided that the said County agrees to care for the same without any expense to the Department of Agriculture of the State of Montana. The state, by order of the Commissioner of Agriculture, may finance the operation of any such laboratory, as may be established under Section 4 of this Act. Operating costs are held to mean and include, the compensation of the analyst in charge of the laboratory, all stationery and printed forms, supplies including chemicals and all other items that may be necessary to the proper operation, except rent and replacement of permanent equipment owned by the county.

State may finance.

What costs constitute.

Appointment of analyst.

Section 6. The analyst in charge of any laboratory operated under the provisions of this Act, shall be selected by the County Commissioners, and appointed with the approval of the Commissioner of Agriculture.

Application.

Qualifications.

Section 7. No such analyst shall be appointed under the provisions of this Act, until a written application shall first be submitted and approved by the Commissioner of Agriculture, showing the applicant's experience in chemistry and fitness to become a protein analyst under the provisions of this Act.

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Section 8. Each such analyst in charge of a laboratory, shall test all samples submitted to him for analysis and issue certificates to the person submitting same showing the percentage of protein content. Duties.

Section 9. The form of protein certificate issued under the provisions of this Act, shall be prepared and approved by the Commissioner of Agriculture, and every such certificate shall embody within its written or printed terms the following: Certificate and contents.

(a) The consecutive number of the certificates.

(b) That it is issued by the county making same, under authority of the Department of Agriculture, Labor and Industry.

(c) The place of issue and the date.

(d) The kind of Grain.

(e) The place from which the sample was taken.

(f) The amount of sample and if a carload, the car number and initials.

(g) A statement of the amount of protein in percentage.

(h) A statement printed or stamped on the face of the certificate, showing the sample to have been submitted in a suitable air tight container, or otherwise as the case may be.

(i) The name and title of the analyst.

Section 10. The Commissioner of Agriculture shall fix the fees for testing grain for protein content, and such fees shall be collected by the analyst when tests are made, and remitted to the Commissioner of Agriculture once each month, and deposited with the State Treasurer in a fund known as the Department of Agriculture Revolving Appropriation Fund for Grain Grading, out of which all operating expenses of this Act are to be paid. On July first each year, the Commissioner of Agriculture shall determine the amount of surplus, if any, accumulated from fees remitted by each laboratory and seventy-five per cent of said surplus from each county shall be paid to each county upon claims duly approved by the Board of Examiners and warrant of State Auditor upon Fees how collected. Surplus.

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State Treasurer, and twenty-five per cent shall be retained by the Department of Agriculture revolving appropriation fund to apply on the administration costs of this Act.

Powers of Commissioner of Agriculture.

Section 11. The Commissioner of Agriculture shall be vested with full and complete power to carry out the provisions of this Act, and in addition to such general powers hereby conferred he shall have the following express powers;

When to open laboratory.

(a) To open each laboratory for operation only such years as, in his discretion, marketing conditions require a knowledge of the protein content, to enable the owners of grain to obtain the full market value thereof.

Rules.

(b) To make and promulgate such rules and regulations not inconsistent herewith, as may be necessary or desirable to carry out effectively the purpose of this Act.

Machinery. Supplies and help.

(c) He shall have full power to set up the necessary machinery to make effective the provisions of this Act such as the purchase of supplies, printing stationery and equipment and the appointment of clerical help and assistance all of which expense shall be audited and paid as part of the general expense of the administration of this Act.

Emergency measure.

Section 12. Whereas at the present time there is no law authorizing the installation of facilities for testing grain for protein content, and whereas marketing conditions may at any time require such facilities be available so that owners of grain may obtain the full market value, thereof, therefore an emergency is declared to exist, and this Act is hereby deemed and declared an emergency Act and shall be in full force and effect upon its final passage and approval.

Approved March 9, 1931.

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CHAPTER 112.

An Act to Amend Sections 8366 and 8367 of the Revised Codes of Montana 1921 as Amended by Chapter 20 Laws of 1929 Relating to Liens of Threshermen and Owners of Combine Harvesters and Threshers Upon Grains or Crops and Claims for Such Liens, When, Where and How Filed and the Service of Notice.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8366 of the Revised Codes of Montana 1921, as amended by Chapter 20, Laws of 1929, be and the same is hereby amended to read as follows:

Section 8366. **Liens of Threshermen and Owners of Combined Harvester and Thresher Upon Grain or Crops.** All threshermen owning or operating thresher machines, and all owners of combined harvester and threshers, shall have a lien upon the grain and other crops threshed by said threshing machine or cut and threshed by said combined harvester and thresher, for and on account of the services rendered and the labor performed by them on said grain and crops, provided, however, that any such lien shall not exceed twelve cents per bushel of grain threshed or when harvested and threshed by combined harvester and thresher it shall not exceed two dollars per acre, except flax, clover seed, alfalfa seed, or other grass seeds, which shall be charged for the prevailing price for that particular locality in which such grain or seed is threshed or combined; and provided, notices are given and lien is filed within the time provided by this Act.

Liens of threshermen and owners of machines on grain threshed.

Proviso limit.

Notice and filing.

Section 2. That Section 8367 of the Revised Codes of Montana 1921 as amended by Chapter 20 Laws of 1929 be, and the same is hereby amended to read as follows:

Section 8367. **Claim of Lien, When, Where and How Filed, Service of Notice.** Every person intending to avail himself of the benefits of this Act must file with the County Clerk of the County in which said grain or other crops were grown, within ten days after the last service was rendered or labor performed in the threshing of said grain or other crops, or the cutting and harvesting and threshing by said combined harvester and thresher, a notice that within twenty days a lien, of not

Notice.

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to exceed twelve cents per bushel for grain threshed or not to exceed two dollars per acre for grains harvested and threshed with a combined harvester and thresher, except flax, clover seed, alfalfa seed, or other grass seeds, which shall be charged for at the prevailing price for that particular locality in which such grain or seed is threshed or combined, will be claimed, and within twenty days thereafter shall file with the County Clerk and Recorder of the County in which said grain or other crops were grown, a just and true account of the amount due him or them for such services or labor after allowing all just credits and offsets and containing a correct description of the grain or other crops to be charged with such lien, the price agreed upon for such threshing or cutting and harvesting, the name of the person, firm or corporation for whom such labor and services were performed, and a description of the lands as nearly as possible, upon which said grain or other crops were raised, and a description of the legal sub-division of land upon which said grain is stored, and if said grain is stored in an elevator, the locality of the said elevator, which statements of facts shall be verified by affidavit of the person claiming such lien, or his duly authorized agent or attorney, having knowledge of the facts; but any error or mistake in the account or description of the grain or other crops or of the property upon which it was raised, shall not invalidate such said lien. If the grain or other crops so threshed, cut, harvested and threshed are being hauled from the machine or combine direct to the elevator or to any other purchaser, then the threshermen or owner of the combine desiring to claim such lien shall also serve written notices upon the elevatorman or other private purchaser, that he will claim and file a lien upon said grain or other crops for his services or labor performed in threshing, or combining and threshing the same.

Filing contents.

Description.

Affidavit.

Effect of errors.

Notice to elevator or private purchaser.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

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CHAPTER 113.

An Act Authorizing and Empowering the State Board of Examiners of the State of Montana to Exchange 4.09 Acres of Land Owned by the State of Montana and Forming a Part of the Lands Purchased for the Use of the State Prison at Deer Lodge, Montana, for 3.88 Acres of Land, Adjoining State Owned Land, Belonging to Carl Ulver of Deer Lodge, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of Examiners authorized to make a trade of land near State prison.

Section 1. That the State Board of Examiners of the State of Montana be, and is hereby authorized and empowered to exchange a parcel of land belonging to the State of Montana and forming a part of the land of the State Prison at Deer Lodge, Montana, as described; for a parcel of land belonging to Carl Ulver of Deer Lodge, as described hereinafter. And the Board of Examiners is authorized to convey title for the State of Montana in exchange for a deed running to the State of Montana for the Carl Ulver parcel of land. The parcel of land belonging to the State of Montana is described as follows, to-wit:

Description of land of State.

Beginning at a point on the west side of the county road, from which the northeast corner of Section 9, Township 7 North, Range 9 West, bears N 37°46′ E., 584.5 feet, and running thence

S. 14°35′ E., 283 feet, thence

N. 89°07′ W., 690 feet, thence

N. 0°52′ E., 273 feet, thence

S. 89°07′ E., 616 feet, to the

place of beginning, containing an area of 4.09 acres of land.

The parcel of land belonging to Carl Ulver is described as follows, to-wit:

Description of land of Carl Ulver.

Beginning at the northwest corner of the Northeast Quarter of the Northeast Quarter of Section 9, Township 7 North, Range 9 West (NE¼NE¼ Sec. 9, T. 7 N., R. 9 W.), from which the northeast corner of said Section

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9 bears S. 89°10′ E. a distance of 1,329 feet, and thence from said point of beginning running

S. 89°10′ E., 362 feet, thence

S. 0°52′ W., 468 feet, thence

N. 89°07′ W., 362 feet, thence

N. 0°52′ E., 468 feet, to the

place of beginning, containing an area of 3.88 acres of land.

Right of refusal.

It being provided, however, that such exchange of land shall not be made unless said Board of Examiners, after viewing the land, deems it advisable to make the exchange.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act is hereby deemed and declared an emergency Act and shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 114.

An Act to Create a Fund to Be Known as the 'University Millage Fund', and Providing That All Income to Be Derived from Any Increased Rate of Taxation On Real and Personal Property Authorized in Referendum Measure Number Thirty-four, Shall Be Placed in Said University Millage Fund, and Providing for Payment of Moneys from Said University Millage Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

University Millage Fund.

Section 1. There is hereby created and established a fund to be known and cited as the "University Millage Fund", into which all revenue hereafter to be derived or collected under provisions of Referendum Number Thirty-four shall be deposited.

Duties of officers.

Section 2. The State Treasurer is hereby authorized and directed to place all moneys received by him in accordance with the provisions of Referendum Number

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Thirty-four to the credit of the University Millage Fund, and the State Treasurer, State Auditor, and State Accountant are each directed to set up on their books an accurate account of all transactions of the said University Millage Fund.

Section 3. No moneys shall be expended from the University Millage Fund except in accordance with the provisions of Section thirty-four, Article five, Constitution of the State of Montana, and Section 193, Revised Codes of Montana, 1921. How expended.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 9, 1931.

CHAPTER 115.

An Act to Protect Game Animals from Wanton, Ruthless and Useless Destruction and Mutilation for Their Heads, Hides, Antlers, Horns or Teeth, and Providing a Penalty for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person who at any time kills, captures or destroys any game animal of this state and detaches or removes from the carcass only the head, hide, antlers, tusks or teeth, or any, or all of the aforesaid parts, is guilty of a misdemeanor. When a misdemeanor to kill game animal.

Section 2. The failure of any person or persons to properly dress and care for any game animal killed by such person or persons within twenty-four hours and take or transport to the camp of such person or persons such carcass within a reasonable time and there properly take care of the same shall be prima facie evidence of the violation of the provisions of this Act. Failure to properly treat animal is prima facie.

Section 3. Any person or persons violating the provisions of this Act shall be punishable by a fine of not less than $100.00 or more than $300.00, or imprisonment in the county jail for a term of not less than thirty days or more than six months, or both such fine and imprisonment. Penalty.

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Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 116.

An Act Authorizing Domestic Corporations Organized Under the General Incorporation Laws of This State to Establish and Issue Stock Without Nominal or Par Value; Providing for the Classes, Series, Powers, Restrictions, and Other Details of Issue and Statements Respecting Same; Making Applicable Thereto the General Power to Increase, Decrease, or Adjust such Stock; Providing that such Corporations May Issue Both Stock with and Without Par Value; Providing for the Issuance and Sale Thereof, Consideration Therefor, and When the Same is Fully Paid; Providing for the Rank Thereof, the Contents of Certificates Therefor, the Basis upon Which the Secretary of State Shall Compute Fees Due the State from Corporations Exercising Rights Hereunder, Requiring Payment of Same, and Making the Provisions Hereof in Addition to, and Supplemental of, all Powers and Authority Conferred by Existing Law.

Be it enacted by the Legislative Assembly of the State of Montana:

May issue stock without par value.

Section 1. Every corporation organized or hereafter to be organized under the general incorporation laws of the State of Montana (excepting banks, trust companies, and building and loan companies) shall have power to issue, and may provide for the issuance, of one or more classes of stock or one or more series of stock within any class thereof, without any nominal or par value, any or all of which classes or series may be of such number of shares, with such designations, preferences and relative, participating, optional or other special rights, and qualifications, limitations or restrictions thereof, as shall be stated and expressed in the articles of incorporation or in any amendment thereto.

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In any case in which the law requires to be stated in any articles, certificate or paper the amount of capital authorized, issued, outstanding or with which the corporation will commence business, the par value of shares or the amount of the subscriptions of the incorporators thereof, there shall be stated in respect of such nominal or nonpar shares, the number of such shares authorized, issued, outstanding or with which the corporation will commence business, that such shares are without par value, or the number of such shares subscribed for by the incorporators, as the case may be, and in cases where original or amended articles of incorporation provide only for shares without nominal or par value, such statement shall be in lieu of all requirements relating to amounts of authorized capital stock or amounts with which business may commence business.

Statements in articles of incorporation.

The power to increase or decrease or otherwise adjust the capital stock as elsewhere provided shall apply to all or any of such classes or series of stock, provided that nothing herein contained shall be construed to prevent any corporation subject to this Act from authorizing or issuing both stock with par value and stock without par value, and increasing, decreasing or adjusting either or both.

Powers over stock.

Section 2. Every corporation subject to this Act may issue and may sell its authorized shares without nominal or par value, from time to time, for such consideration (a) as may be prescribed in the articles of incorporation or any amendment thereof, or, if so provided in the articles of incorporation (b) as from time to time may be fixed by the board of directors, or if no such provision is made in the articles of incorporation, (c) then with the consent of two-thirds of each class of stockholders having voting powers given at a meeting called for that purpose. Such meeting shall be held on such notice as the by-laws provide, and in the absence of such provision upon ten days' notice given personally or by mail, or upon written consent of all stockholders. Any and all shares without nominal or par value issued as permitted by this Act, shall be deemed fully paid and non-assessable, and the holder of such shares shall not be liable to the corporation or its creditors in respect thereof.

How issued and sold.

Notice and consent of meeting.

Fully paid and non-assessable.

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Rate of stock.

Section 3. Every share of stock without nominal or par value shall be equal to every other share of such stock of the same class or series, and shall rank as respects any other classes or series of stock according to the preferences given each and every class or series under the terms of this Act. Every certificate for such shares without nominal or par value shall have plainly written or printed upon its face the number of such shares which it represents and the words "No-Par Stock", and on the reverse side thereof shall set forth in full or accurately summarize the rights and privileges, if any, given to such shares, and no such certificate shall express any nominal or par value of such shares.

Statements.

Fees.

Section 4. Corporations exercising any privileges under this Act shall be subject to and must pay all fees prescribed by Section 145, Revised Codes, Montana, 1921, in all cases in which such corporations authorize stock with par value, and in all cases in which such corporations exercising privileges hereunder authorize stock without nominal or par value, whether in whole or in part, such corporations must pay (in addition to any fees for stock with par value actually authorized) the fees prescribed by said Section 145, Revised Codes, Montana, 1921, computed as follows: for the purpose of the fees prescribed to be paid on the filing of any articles of incorporation, certificate of incorporation, or certificate of increase of capital or stock, but for no other purpose whatever, such shares without nominal or par value shall be taken to be of the par value of One Dollar ($1.00) each.

Value recognized.

Powers and authority governed by other laws.

Section 5. The privileges and powers conferred by this Act shall be deemed to be in addition to and supplemental of, any and all powers and authority conferred by any other law or laws, and not in restriction or limitation of any of the powers now permitted to corporations incorporated under the general incorporation laws of this state.

Repealing clause.

Section 6. All Acts and parts of Acts in conflict with this Act or inconsistent with the provisions hereof shall be, and the same hereby are, repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

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CHAPTER 117.

An Act to Amend Section 3384 of the Revised Codes of Montana of 1921 as Amended by Chapter 56 of the Session Laws of the Twenty-first Legislative Assembly, 1929, Relating to Herd Districts; Providing for Creation and Dissolution of Herd Districts and Procedure for Excluding Certain Tracts of Land Therefrom.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3384 of the Revised Codes of Montana of 1921 as amended by Chapter 56 of the Session Laws of the Twenty-first Legislative Assembly, 1929, be, and the same is hereby amended to read as follows:

Section 3384. (a) Herd districts may be created in any County in the State of Montana to contain fifty-four square miles or more, lying not less than three miles in width, outside of the incorporated cities; excepting only that herd districts may be created containing not less than six nor more than fifty-four square miles, lying not less than two miles in width, when such territory joins and is contiguous with the boundaries of a City having a population of ten thousand or more and such territory so to be created in a herd district has a suburban population of not less than two hundred people; upon petition of owners or possessors of fifty-five percentum (55%) of the land in such district, and providing twenty-five percentum (25%) or more of the land in such district is in actual cultivation, and such petition shall designate the months of the year when herd district is effective, and upon presentation and filing of such petition, properly signed, giving outside boundaries and description of proposed district and the post office address of the signers thereto, with the Clerk and Recorder in the County in which the said district is being created, the County Commissioners of such County, upon receipt thereof, shall set a date for hearing protests and verifying the signatures thereto, and shall give not less than twenty days' notice of the same by three publications in a newspaper of general circulation in the County of the proposed district, and should it appear to such County Commissioners after such hearing that the signatures attached to such petition were genuine, they shall immediately declare such herd district created and established;

When herd districts may be created.

Petition.

Hearing and notice.

Notice of creation.

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after which the County Commissioners must give notice by four weekly publications in some newspaper nearest the district of the creation of such districts, also stating period such districts will be in effect, and such districts shall not be in effect until thirty days have expired after the order. Upon petition of any owner or possessor of lands lying contiguous and adjoining any herd district theretofore created, and upon like hearing and notice as hereinabove provided for, such lands shall be included in said herd district and become a part thereof. Should the signature of lessee appear on the petition creating or abolishing any herd district, the owner or owners of said land may appear either in person or agent and enter their protest. And the Board of County Commissioners shall remove the name of the lessee from said petition, and no person shall be permitted to withdraw his name after the hour set for hearing same.

Additions.

Lessees' rights.

(b) When a petition praying that any established herd district be dissolved is filed with the County Clerk and Recorder of the County wherein such district has been established, and it is set forth therein that such petition is signed by the owners or possessors of fifty-five per cent (55%), or more of the lands lying within such district, and that less than twenty-five per cent (25%) of the lands included in such district is in actual cultivation, the said County Clerk and Recorder shall call such petition to the attention of the Board of County Commissioners of the County at its next regular meeting; and at said meeting by its order the said Board shall set such petition for hearing at a specified time on a day certain of which notice shall be given by publication at least once in each week for three successive weeks in some newspaper of general circulation in the County. At the time fixed for hearing the Board of County Commissioners shall first require proof of publication of the notice of said hearing to be made and thereafter shall consider the petition and hear all interested parties. At the conclusion of any such hearing if the Board of County Commissioners shall find that notice of the hearing has been given in the manner and for the time prescribed herein and that the owners or possessors of fifty-five per cent (55%), or more of the lands lying within such herd district have signed the petition and request that such district be dissolved, and that less than twenty-five per

Petition to dissolve district.

Hearing.

Notice.

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cent (25%), of the lands included in such district are in actual cultivation, then the said Board shall forthwith spread such findings upon its minutes and thereupon shall enter an order in terms that by reason of such findings and of the proceedings had upon such petition the said herd district is thereby dissolved. Forthwith upon the making and entry of any such order aforesaid the herd district affected thereby shall be dissolved for all purposes thereafter.

Record of meeting.

(c) Any tract of land embraced within any established herd district and which contains eighteen Government sections of land, or more, so located that at least one-fourth of the perimeter of such tract coincides with the existing boundaries of such herd district, may be excluded therefrom upon proceedings had before the Board of County Commissioners of the County wherein the said district has been established on a like petition, notice and hearing and by a like order as in the case of proceedings for dissolving herd districts; provided that when the exclusion of any such tract of land from an existing herd district is sought the petition shall describe the tract to be excluded with common certainty and shall set forth that it is signed by the owners or possessors of fifty-five per cent (55%), or more of the lands lying within the boundaries of the tract to be excluded, and that less than fifteen per cent (15%), of the lands included in such tract is in actual cultivation; and provided further that in any such case if the Board of County Commissioners at the conclusion of the hearing had shall find that the tract of land to be excluded conforms to the requirements of this section and that the allegations of the petition are true its findings to that effect shall be spread upon the minutes and the Board shall thereupon enter its order in terms that by reason of such findings and of the proceedings had upon such petition the tract of land described in the petition which shall be further set forth with common certainty in the order is thereby excluded from such herd district for all purposes thereafter. Forthwith upon the making and entry of any such order of exclusion the tract of land therein described shall be deemed for all purposes thereafter to be excluded from and to form no part of the herd district affected thereby.

When Government land involved.

Proviso.

Proviso.

Records of findings.

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Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 118.

An Act Relating to the Drilling of Water Wells, the Supply from Which is Intended for Use or is Actually Used for Furnishing Water, Directly or Indirectly, to or for Public Consumption or Use; Requiring Data Pertaining Thereto to be Filed with the State Board of Health; Conferring Certain Jurisdiction in Connection with the Drilling of Such Water Wells Upon the State Board of Health; Providing for the Enforcement of This Act and the Punishment for Violation Thereof, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Drilling for water.

Section 1. For the purpose of preserving the health of the public and to provide the State Board of Health with relevant information pertaining to water supply when obtained from water wells used for furnishing water, directly or indirectly, to or for public consumption or use, it is hereby made the duty of every person, firm, or corporation, drilling or causing to be drilled, any water well within the State of Montana, intended for use or actually used in furnishing water, directly or indirectly, to or for public consumption or use, to keep a complete and accurate record of the depth and thickness and character of the different strata penetrated in the drilling of any such well, together with such other pertinent information concerning said water well and the drilling thereof as the said Board of Health may by rule or regulation require, such data to be furnished to the said Board upon forms prescribed and furnished by it.

Log of wells.

Public records.

Section 2. Such information as is acquired by said Board under the provisions hereof shall constitute public records and as such be available to the public at all reasonable times.

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Section 3. Any person, firm or corporation, violating the provisions of this Act, or rules and or regulations prescribed pursuant hereto, or the lawful orders of the State Board of Health under said rules and regulations, shall be deemed guilty of a misdemeanor and shall, upon conviction, thereof, be punished by a fine of not more than One Hundred ($100.00) Dollars, or by imprisonment in the county jail for a period of not more than thirty (30) days, or by both such fine and imprisonment. Penalty.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 119.

An Act Providing for the Creation, Size, Location, Boundaries and Procedure for the Establishment of a Horse Herd District from Which Area Horses are Barred from Running at Large: Providing a Penalty for Horses Running at Large Within Said District: Providing the Person, Owner or Person in Control of Such Horse or Horses Shall be Liable for all Damages Sustained Thereby: Providing for the Impounding and Disposition of Said Horse or Horses: and Providing for the Dissolution of Such Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Horse herd districts may be created in any county in the State of Montana to contain twelve square miles or more lying not less than one mile in width outside of incorporated cities or towns, upon the petition of resident owners or possessors of fifty-five per centum (55%) of the land of such district, and such petition shall designate the months of the year when horse herd district regulations are effective and upon presentation and filing of a petition properly signed and reciting the outside boundaries and description of the proposed district, together with the postoffice address of the signers thereof, with the Clerk and Recorder in the county in which the said district is being created; the County Commis- Horse herd districts. Petition and contents.

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Hearing.

sioners of such county upon receipt thereof shall set a date for hearing protests and verification of signatures thereto, and shall give not less than twenty days' notice of the same by three publications in a newspaper of general circulation in the county of the proposed district, and should it appear to such County Commissioners, after such hearing, that the signatures attached to such petition were genuine, they shall immediately make an order declaring such horse herd district created and established; after which the County Commissioners must give notice by two weekly publications in some newspaper in the county, nearest the district, stating the period when such horse herd district will be in effect and when such district shall not be in effect; providing such order shall not be effective until thirty days have expired after the order; provided that such herd districts may be abolished at any time upon proceedings as hereinbefore set forth for the establishment of such herd district.

Notice of approval.

Additions.

Upon petition of any owner or possessor of land lying contiguous and adjoining any herd district heretofore created, and upon like hearing and notice as hereinabove provided for, such lands shall be included in such herd district and become a part thereof.

Lessees' rights.

Should the signature of a lessee appear on the petition creating or abolishing any herd district, the owner or owners of said land may appear either in person or by agent and enter their protest, and the Board of County Commissioners shall remove the name of lessee from said petition, and no person shall be permitted to withdraw his name after the hour set for hearing same.

Running at large.

Section 2. All horses are hereby prohibited from running at large within any horse herd district as defined in Section 1 of this Act.

Penalty.

Damage.

Section 3. If any such horse or horses wrongfully enter upon premises within such district of any person, the owner or person in control of such horse or horses shall be punished according to the provisions of Section 3389 of the Revised Codes of Montana of 1921, and in addition to said punishment shall be liable for all damages sustained thereby to the party entitled thereto.

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Section 4. The owner or occupant of the land upon which such wrongful entry is made may take into his possession such horse or horses, and shall reasonably care for the same while in his possession, and may retain possession of said horse or horses, and shall have a lien and claim thereon as security for payment of such damages and reasonable charges for the care of said horse or horses while in his possession. The person taking up said horse or horses shall within forty-eight (48) hours after taking possession thereof notify said owner, owners or persons in charge thereof by a notice in writing, describing said horse or horses taken up, including marks and brands, if any, the amount of damages claimed, and the charge per head per day for caring for and feeding the same, and describing, either by legal sub-divisions or other general description, the location of the premises upon which said horse or horses are held, and requiring him within forty-eight (48) hours after receiving said notice to take the said horse or horses away after making full payment for all damages and costs of said horse or horses. Such notice shall be given by personal service on the said owner, owners or person in charge thereof, or by leaving said notice at his usual place of residence with some member of his family over the age of fourteen (14) years, or by sending said notice by prepaid registered mail addressed to his last known place of residence. Said service by registered mail shall be deemed complete upon the deposit of the notice in the postoffice. Upon demand, the owner or occupant of the land shall release and deliver possession of such horse or horses to the owner or person entitled thereto upon payment of such damages and charges, but said payment of damages and charges shall not act as a bar to the prosecution of said person, owner, or person in control of such horse or horses, as hereinbefore provided. If the owner or claimant of such horse or horses is not known to the person taking up such horse or horses, or the said owner or claimant shall refuse to pay the amount of damages and charges as herein provided, the said person taking up such horse or horses shall within seventy-two (72) hours, from the time said horse or horses were so taken up, deliver to the sheriff or a constable of the county in which the horse or horses were so taken up, a statement containing the information required to be given in the notice hereinbefore set out, and in addition thereto, he shall

Possession for lien.

Notice to owner, contents.

Service.

Release of animal.

Statement to sheriff and inspector.

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mail by prepaid registered mail a copy of said statement addressed to the nearest state livestock inspector. Upon receipt of such statement, the sheriff or constable shall proceed to advertise and sell at public auction the horse or horses so taken up. Such sale shall be advertised, conducted, and held in the same manner as provided by law for the sale of mortgaged personal property by sheriffs. The proceeds of the sale shall be applied by the sheriff to the discharge of the claim and the costs of the proceedings in selling the property and enforcing the claim, and the remainder, if any, shall be deposited with the County Treasurer who shall keep the same in a special fund to be designated as the "Horse Herd District Fund (giving number of district if more than one.)" A separate fund, styled as above specified, shall be kept by the County Treasurer for each of said districts created in his county. The County Treasurer shall make a record of the description of each horse, the amount received for same, and the amount of deductions, which record shall be open to public inspection; and any person making claim to the Board of County Commissioners at any time within one (1) year from the date of sale, of ownership of such horse, and submitting proof of ownership to such Board with such claim, to the satisfaction of such Board, shall be entitled to receive such excess received from the sale of such horse. Any money received from the sale of any such horse which shall not be so claimed within one (1) year after such sale, shall at the expiration of said period be transferred to the General Fund of the County.

Sale.

Proceeds.

Funds.

Claim by owner.

Section 4A. When a petition praying that any established horse herd district be dissolved is filed with the County Clerk and Recorder of the County wherein such district has been established, and it is set forth therein that such petition is signed by the owners or possessors of fifty-five (55%) per cent, or more of the lands lying within such district, the said County Clerk and Recorder shall call such petition to the attention of the Board of County Commissioners of the County at its next regular meeting; and at said meeting by its order the said Board shall set such petition for hearing at a specified time on a day certain of which notice shall be given by publication at least once in each week, for three successive weeks in some newspaper of general circulation in the

Petition to dissolve.

Hearing.

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County. At the time fixed for hearing the Board of County Commissioners shall first require proof of publication of the notice of said hearing to be made and thereafter shall consider the petition and hear all interested parties. At the conclusion of any such hearing if the Board of County Commissioners shall find that notice of the hearing has been given in the manner and for the time prescribed herein and that the owners or possessors of fifty-five per cent (55%), or more of the lands lying within such herd district have signed the petition and request that such district be dissolved, then the said Board shall forthwith spread such findings upon its minutes and thereupon shall enter an order in terms that by reason of such findings and of the proceedings had upon such petition the said horse herd district is thereby dissolved. Forthwith upon the making and entry of any such order aforesaid the horse herd district affected thereby shall be dissolved for all purposes thereafter.

Records.

Section 5. No officer, board, or employee of any county, nor any employee of such officer or board shall be liable for any act performed in good faith in discharging official duties under this Act; and all such acts shall be presumed to have been in good faith and in conformity with this Act.

Liability of officer.

Section 6. It is expressly provided that it is the intention of this Legislative Assembly that the enactment of this Act does not repeal or amend any of the now existing statutes relating to herd districts or horses, but is intended as an additional remedy for the control of horses as herein provided.

Effect of Act.

Section 7. If any clause, sentence, section, paragraph or part of this Act shall for any reason be adjudged by any Court of competent jurisdiction to be invalid or inoperative, such judgment shall not effect, impair or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, section, paragraph or part hereof directly adjudged to be invalid or inoperative.

Saving clause.

Section 8. This Act shall be in full force and effect on and after April, the first, 1932.

Approved March 9, 1931.

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CHAPTER 120.

An Act Regulating the Manufacture, Possession and Sale of Oleomargarine and Other Substitutes for Dairy Products; Prohibiting the Coloring or Compounding of the Same in Imitation of the Color of Butter or in Any Shade of Yellow; Prohibiting Persons not Licensed as Oleomargarine Dealers from Acting in Aid of the Sale or Transportation of Oleomargarine or Other Dairy Substitutes; Providing Penalties for the Violation of This Act and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Unlawful to sell oleomargarine in imitation of butter.

Section 1. Hereafter no person, firm or corporation shall, within the State of Montana, manufacture, sell, offer for sale or possess with the intent to sell any oleomargarine or any substance made either wholly or in part from vegetable or animal fats or oils (not from milk or cream), which said oleomargarine or other substance is either colored like or in imitation of butter or in any shade of yellow, or is made, composed or compounded in whole or in part of any material or ingredient causing the same to resemble the color of butter or any shade of yellow.

When unlawful to participate in sale.

Section 2. Hereafter no person, firm or corporation, not licensed as an oleomargarine dealer as required by law, shall, in the course of business, either personally, or through any clerk, agent, servant or employee order or procure for or at the request of any person, any oleomargarine or any other substance named in Section 1 of this Act, or participate or aid in the procuring or delivery of the same to any person or on any account whatsoever.

Penalty.

Section 3. Any person, firm or corporation, and any clerk, agent, servant or employee of any person, firm or corporation who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars and not more than $500.00 or by imprisonment in the county jail not less than one and not more than thirty days or by both such fine and imprisonment. Each day that any violation of this Act shall exist or occur, shall constitute a separate offense, punishable by like fine or imprisonment.

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Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 5. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 121.

An Act Providing for a Budget System for Making and Controlling City Estimates, Tax Levies and Expenditures, Fixing the Fiscal Year for Cities Under Such Budget System, Providing Penalties for Violations of This Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The provisions of this Act shall apply to all cities in this state, and it may be referred to as the "Municipal Budget Law." As used herein the terms "municipal corporation" or "municipality" shall mean city; the term "council" shall mean city council or city commission; the term "clerk" shall mean the clerk of the city. Municipal Budget Law. Definitions.

Section 2. The fiscal year of each and every city in this state commences on the first day of July of each year and ends on the last day of June of each year. Fiscal year.

Section 3. On or before the first day of July of each year the clerk of each city shall notify in writing each official, elective or appointive, in charge of an office, department, service or institution of the municipality to file with such clerk, on or before the tenth day of July following, detailed and itemized estimates, both of the probable revenues from sources other than taxation, and of all expenditures required by such office, department, service or institution for the current fiscal year. The council shall submit to the clerk the estimate of expenditures for all purposes for such council. The mayor of the municipality shall submit to the clerk a detailed estimate showing the amount to be appropriated from any funds belonging to the municipality to defray the municipality's portion of the cost of making improvements in Clerk of city to notify officers to file estimates. Council. Mayor.

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special improvement districts, and of maintaining the same, and of installing lighting systems in special lighting districts, and maintaining the same; but there shall not be included in such estimate, nor in either the preliminary or final budget of any municipality, any part of any such cost which is to be paid by special assessments against the property within such districts, or any part of the cost in sprinkling districts which is to be defrayed by special assessments against the property therein.

Special assessments.

Construction bond issues and tax levies.

The council shall also submit to the clerk detailed estimates of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bond issues not yet authorized and from the proceeds of tax levies which are required to be submitted to and approved at an election to be thereafter held.

Forms.

Treasurer.

Clerk.

The estimates required in this section shall be submitted on forms provided by the clerk, and prescribed by the State Examiner, and may only be varied or departed from with permission and approval of said officer. The city treasurer shall prepare the estimates for interest and debt reduction. The clerk shall prepare all other estimates the preparation of which properly falls within the duties of his office.

Estimates must be furnished within time.

Penalty for failure to file.

Absence or disability.

It shall be the duty of each of said officials to file such estimates within the time and in the manner provided in said form and notice, and the clerk shall deduct and withhold, as a penalty, from the salary or compensation of each official failing or refusing to file such estimates as herein provided, the sum of ten dollars for each day of delay; provided, that the total penalty against any one official shall not exceed fifty dollars ($50.00) in any one year; and provided further, that in the absence or disability of any such official the duties required herein shall devolve upon the official or employee in charge of such office, department, service or institution for the time being. The said notice shall contain a copy of this penalty clause.

Clerk to prepare tabulation of expenditures and sources of revenues.

Section 4. From such estimates the clerk shall prepare a tabulation showing the complete expenditure program of the municipality for the current fiscal year, and the sources of revenue by which it is to be financed. Such tabulation shall set forth the estimated receipts

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from all sources other than taxation for each office, department, service, or institution for the current fiscal year, the actual receipts for the last completed fiscal year, the surplus or unencumbered treasury balances at the close of such last fiscal year, and the amount necessary to be raised by taxation; the estimated expenditure for each office, department, service or institution for the current fiscal year, the actual expenditures for the last completed fiscal year, and all contracts or other obligations which will affect the current year revenues.

Contents of tabulation.

Such estimates, appropriations and expenditures shall be classified under the general classes of (1) salaries and wages; (2) maintenance and operation; (3) capital outlay; (4) interest and debt redemption; (5) miscellaneous; and (6) expenditures proposed to be made from bond issues not yet authorized, or from the proceeds of a tax levy or levies which are required to be submitted to and approved at an election to be thereafter held.

Classifications.

Within the general class of "salaries and wages" each salary shall be set forth separately together with the title or position of the recipient, provided that an unitemized appropriation may be made to cover the expenses of special deputies or assistants in any office where the services of such special deputies or assistants may be required during a part of the fiscal year only. Wages for day labor may be given in totals by designating the general purpose or object for which the expenditure is to be made but the proposed rate per diem for each class or kind of labor shall be set forth. Expenditures under the general class of "maintenance and operation" shall be classified according to a standard classification to be established by the State Examiner. Expenditures for "capital outlay" shall set forth and describe each object of expenditure separately. Under the general class of "interest and debt redemption" proposed expenditures for interest and for redemption of principal shall be set forth separately for each series or issue of bonds, and warrant interest and redemption requirements shall be set forth in a similar manner. Under the general class of "miscellaneous" expenditures for all purposes not listed in, or which cannot properly be assigned to any of the foregoing general classes, shall be set forth and itemized in detail.

Salaries and wages.

Day labor.

Maintenance and operation.

Capital outlay.

Interest and debt redemption.

Miscellaneous.

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Emergency warrants.

The total amount of emergency warrants issued during the preceding fiscal year shall be set forth with the amount issued for each emergency and the amount issued against each fund.

Submission to council and consideration.

Section 5. The said tabulation shall be submitted to the council by the clerk on or before the twentieth day of July. Upon receipt thereof the council shall immediately consider the same in detail, and shall on or before the twenty-fifth day of July make any revisions, reductions, additions or changes therein that they deem advisable, and such tabulation, with such revisions, reductions, additions or changes as have been made therein, as herein provided, shall constitute the preliminary budget of the municipality for the fiscal year which it is intended to cover. The council shall then cause a notice to be published stating that said council has completed their preliminary municipal budget for the current fiscal year, and that said budget has been placed on file and is open to inspection in the office of the clerk of the municipality, and that said council will meet on the Wednesday immediately preceding the second Monday in August thereafter, for the purpose of fixing the final budget and making appropriations, designating the time and place when and where such meeting will be held, and that any taxpayer may appear thereat and may be heard for or against any part of said budget. Said notice shall be published at least one time in the official newspaper of the municipality, or if there be none, then in a newspaper of general circulation in the county in which the municipality is situated.

Notice of meeting to fix budget.

Meeting and hearing on budget.

Section 6. On the Wednesday immediately preceding the second Monday in August the council shall meet at the time and place designated in the notice provided in Section 5 hereof, at which time any taxpayer may appear and be heard for or against any part of such budget. Such hearing may be continued from day to day but must be concluded not later than the second Monday in August and prior to the fixing of tax levies by such council. The council shall have power to call in the official in charge of any office, department, service or institution, at the time the estimates for their respective offices are under consideration, for examination concerning such estimates, and such official shall be called in by such council upon the request of any taxpayer for

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questioning, either by the council or any taxpayer upon such estimates.

Upon the conclusion of such hearing the council shall fix and determine each item of the budget separately and shall by resolution adopt the budget as so finally determined and enter the same in detail in the official minutes of the council. Resolutions and records.

Said budget as finally adopted shall specify the fund or funds against which warrants may be issued for the expenditures so authorized, respectively, and the aggregate of all expenditures authorized against any fund shall not exceed the estimated revenues to accrue to such fund during the current fiscal year from all sources including taxation. Warrants not to exceed revenues.

On the second Monday in August, and after adoption of such final budget, the council shall fix the amount of the tax levy for each fund necessary to raise the amount of estimated expenditures to be made therefrom, as finally determined, less the estimated revenues from sources other than taxation, available surpluses and expenditures that are to be made from bond issues. Tax levy.

The clerk shall immediately forward a copy of the final budget together with the tax levies to the State Examiner. Copy to State Examiner.

Section 7. The estimates of expenditures, itemized and classified as required in Section 2 hereof, and as finally fixed and adopted by said council, shall constitute the appropriations for the municipality for the fiscal year intended to be covered thereby, and the council and every other municipal official, shall be limited in the making of expenditures or incurring of liabilities to the amount of such detailed appropriations and classifications, respectively; provided that upon a resolution adopted by the council at a regular or special meeting, and entered upon its minutes, transfers or revisions within the general class of "salaries and wages" and of "maintenance and support" may be made, provided, that no salary shall be increased above the amount appropriated therefor. Transfers between the general classes provided in Section 4 hereof shall not be permitted, provided and except that in the case of appropriations to be expended from municipal road or bridge funds, any Estimates to constitute appropriations. Transfers and revisions. Proviso.

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transfer between or among the general classes of (1) salaries and wages, (2) maintenance and support, and (3) capital outlay, may be made.

Borrowed moneys.

Moneys received from borrowings shall be used for no other purpose than that for which borrowed, except that if any surplus remain after the accomplishment of the purpose for which borrowed it shall be used to redeem the municipal debt. Where any budget shall contain an expenditure program to be financed from a bond issue to be authorized thereafter, no expenditure shall be made or obligation incurred thereunder until such bonds have been duly authorized and the proceeds are available, and where any expenditure program is to be financed from a tax levy required to be authorized and approved at an election no expenditure shall be made or obligation incurred thereunder until such levy is so authorized and approved.

Bond issue.

Tax levy.

Officers liable for over-expenditure.

Expenditures made, liabilities incurred, or warrants issued, in excess of any of the budget detailed appropriations as originally determined, or as thereafter revised by transfer, as herein provided, shall not be a liability of the municipality, but the official making or incurring such expenditure or issuing such warrant shall be liable therefor personally and upon his official bond. The council shall not approve any claim, and the clerk shall not issue any warrant for any expenditure in excess of said detailed budget appropriations as finally adopted, or as revised under the provisions hereof, except upon an order of a court of competent jurisdiction, or for an emergency as hereinafter provided. Any municipal officer or officers approving any claim or issuing any warrant in excess of any such budget appropriation, except as above provided, shall forfeit to the city fourfold the amount of such claim or warrant, which shall be recovered in an action against such officer or officers, or all of them, and their several sureties on their official bonds, and it shall be the duty of the city attorney to bring an action therefor in the name of the municipal corporation.

No excess without court order.

Penalty.

Emergency.

Section 8. In a public emergency, other than such as are hereinafter specifically described, and which could not reasonably have been forseen at the time of making the budget, the council, by unanimous vote of the members present at any meeting, the time and place of which

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all of the members shall have had reasonable notice, shall adopt and enter upon their minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet such emergency and shall publish the same, together with a notice that a public hearing will be held thereon at the time and place designated therein, but which shall not be less than one week after the date of said publication, at which any taxpayer may appear and be heard for or against the expenditure of money for such alleged emergency. Such resolution and notice shall be published once in the official newspaper of the municipality, and if there be none then in a newspaper of general circulation in the county in which the municipality is situated. Upon the conclusion of such hearing, if the council shall approve of such emergency expenditure, they shall make and enter upon their official minutes, by unanimous vote of all of the members of the council present at such meeting, an order setting forth the facts constituting such emergency together with the amount of expenditure authorized by them therefor, which order, so entered, shall be lawful authorization for them to expend such amount, but no more, for such purpose, subject, however, to the following limitations: No expenditure shall be made or liability incurred pursuant to said order until five (5) days, exclusive of the day of entry of said order, shall have elapsed, during which time any taxpayer or taxpayers of said municipality feeling aggrieved by said order may appeal therefrom to the district court for the county in which the municipality is situated, by filing with the clerk of such court a verified petition, a copy of which shall theretofore have been served upon the clerk of said municipality. Said petition shall set forth in detail the objections of the petitioner or petitioners to said order, giving their reasons why the said emergency does not exist. The service and filing of such petition shall operate to suspend such emergency order and the authority to make any expenditure or incur any liability thereunder, until final determination of the matter by the court. Upon the filing of such petition the court shall immediately fix a time for hearing such petition which shall be at the earliest convenient time. At such hearing the court shall hear the matter de novo and may take such testimony as it deems necessary. Its proceedings shall be summary and informal and its deter-

Resolution.

Notice.

Hearing.

Unanimous vote of council.

5 days to appeal to District Court.

Petition.

Hearing.

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mination as to whether an emergency, such as is contemplated within the meaning and provisions of this Act, exists or not, and whether the expenditure authorized by said order is excessive or not shall be final.

When emergencies may be taken care of without notice or hearing.

Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, or for the immediate preservation of order or of public health, or for the restoration of a condition of usefulness of any public property the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by calamity, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the municipality, or to meet mandatory expenditures required by law, the council may, upon adoption by unanimous vote of all members present at any meeting, the time and place of which all members shall have had reasonable notice, of a resolution stating the facts constituting the emergency and entering the same upon their minutes, make the expenditures or incur the liabilities necessary to meet such emergency without further notice or hearing.

Emergency warrants.

All emergency expenditures shall be made by the issuance of emergency warrants drawn against the fund or funds properly chargeable with such expenditures, and the city treasurer is authorized and directed to pay such emergency warrants with any money in such fund or funds available for such purpose, and if, at any time, there shall not be sufficient money available in such fund or funds to pay such warrants, then such warrants shall be registered, bear interest, and be called in for payment in the manner provided by law for other city warrants.

Clerk to tabulate amount of emergency warrants.

The clerk shall include in his annual tabulation to be submitted to the council the total amount of emergency warrants issued during the preceding fiscal year, and the council shall include in their tax levies a levy for each fund sufficient to raise an amount equal to the total amount of such warrants, if there by any, remaining unpaid at the close of such preceding fiscal year because of insufficient money in such fund to pay the same; provided, however, that no levy shall be made for any fund in excess of the levy authorized by law to be made therefor; and provided, further, that the council may submit

Proviso.

Proviso.

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the question of funding such emergency warrants at an election, as provided by law, and if at any such election the issuing of such funding bonds be authorized it shall not then be necessary for any levy to be made for the purpose of paying such emergency warrants.

When appropriations lapse.

All appropriations, other than appropriations for uncompleted improvements in progress of construction, shall lapse at the end of the fiscal year; provided that the appropriation accounts shall remain open for a period of thirty days thereafter for the payment of claims incurred against such appropriations prior to the close of the fiscal year and remaining unpaid. After such period shall have expired all appropriations, except as hereinbefore provided regarding uncompleted improvements shall become null and void, and any lawful claim presented thereafter against any such appropriation shall be provided for in the next ensuing budget.

Proviso.

Reports of the clerk.

Section 9. At the first meeting of the council, in each month, the clerk shall submit to the council a report showing the expenditures and liabilities against each separate budget appropriation incurred during the preceding calendar month, and like information for the whole of the fiscal year to the first day of the month in which such report is made, together with the unexpended balance of each appropriation. He shall also set forth the receipts from taxes, and in detail the receipts from all other sources by each fund for the same period.

Powers and duties of State Examiner.

Section 10. The State Examiner is hereby empowered, and it is made his duty to make such rules, regulations and classifications, and prescribe such forms as may be necessary to carry out the provisions of this Act, to define what expenditures shall be chargeable to each budget account, and to establish such accounting and cost systems as may be necessary to provide accurate budget information.

Not creating new fund.

Section 11. This Act shall not be construed to create any new fund or funds or to authorize a levy to be made for any fund in excess of the limitation now prescribed by existing law or Acts amendatory thereof.

Penalty.

Section 12. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor.

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Repealing clause.

Section 13. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 14. This Act shall be in full force and effect from and after July 1st, 1932.

Approved March 9, 1931.

CHAPTER 122.

An Act Amending Section 1015 of the Revised Codes of Montana 1921 as Amended by Chapter 122 of the 18th Legislative Assembly 1923 Prescribing the Duties of Trustees of Public Schools and Particularly Amending Subdivision 7 of Said Section Regulating the Rental of School Buildings and Subdivision 11 Relating to the Employment of a Physician or Registered Nurse to Make Inspections as to Sanitary Conditions and Amending All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1015 of the Revised Codes of Montana of 1921 as amended by Chapter 122 of the 18th Legislative Assembly 1923, be, and the same is hereby amended to read as follows:

Duties of Trustees.

Section 1015. **Duties of Trustees.** Every school board unless otherwise specially provided by law shall have power and it shall be its duty:

Rules.

1. To prescribe and enforce rules not inconsistent with law, or those prescribed by the superintendent of public instruction for their own government of schools under their supervision.

Teachers and employees.

2. To employ or discharge teachers, mechanics, or laborers, and to fix and order paid their wages; provided, that no teacher shall be employed except under resolution agreed to by a majority of the board of trustees at a special or regular meeting; not unless such teacher be the holder of a legal teacher's certificate in full force and effect. All contracts of employment of teachers, authorized by proper resolution of a board of trustees, shall be in writing and executed in duplicate by the

Contracts.

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chairman and clerk of the board, for the district and by the teacher.

3. To determine the rate of tuition of non-resident pupils. Tuition.

4. To fix the compensation of the clerk. Compensation.

5. To enforce the rules and regulations of the superintendent of public instruction for the government of schools, pupils, and teachers and to enforce the course of study. Enforce rules and regulations.

6. To provide for school furniture and for everything needed in the schoolhouse or for the use of the school board. Furniture and supplies.

7. To repair and insure schoolhouses and to rent, lease and let to such persons or entities as the board may deem proper, the grade school halls, gymnasium and buildings and part thereof for such time and rental as the board may designate. All rentals shall be paid to the County Treasurer for the credit of the school district. Repairs, insurance, rent and lease.

8. To purchase, acquire, sell and dispose of plots or parcels of land to be used as sites for school houses, school dormitories and other school buildings, and for other purposes in connection with the schools in the district; to build, purchase or otherwise acquire school houses, school dormitories and other buildings necessary in the operation of schools of the district, and to sell and dispose of the same; provided, that they shall not build or remove school houses or dormitories, nor purchase, sell or locate school sites unless directed so to do by a majority of the electors of the district voting at an election held in the district for that purpose, and such election shall be conducted and votes canvassed in the same manner as at the annual election of school officers, and notice thereof shall be given by the clerk by posting three notices in three public places in the district at least ten days prior to such election, which notices shall specify the time, place, and purpose of such election. Real estate. Buildings. Proviso for election.

9. To hold in trust for their district all real or personal property for the benefit of the school thereof. Hold property.

10. To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school, children under six years of age where the interest of the school requires such exclusion. Pupils.

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Clothing and medical aid.

11. To provide clothing and medical aid for indigent children when it shall be made to appear that such aid is needed; and when deemed advisable to employ a physician or registered nurse to make inspections into the sanitary conditions of the school and the general health conditions of each pupil, and to make a full, detailed report to the board of trustees. The clerk of the district shall furnish immediately to each parent or guardian a copy of such portion of the above-mentioned report as pertains to his child or ward.

Report.

Parents.

Books.

12. To require pupils to be furnished with suitable books as a condition of membership in school.

Exclude undesirable literature.

13. To exclude from school and school libraries all books, tracts, papers and other publications of immoral and pernicious nature.

Obey law.

14. To require teachers to conform to the law.

Report to Superintendent.

15. To make an annual report, as required by law, to the county superintendent on or before the first day of August in each year, in the manner and form and on the blanks prescribed and furnished by the superintendent of public instruction.

Report to Public Instruction.

16. To make a report directly to the superintendent of public instruction whenever instructed by him to do so.

What to be taught.

17. To determine what branches, if any, in addition to those required by law, shall be taught in any school in the district, subject to the approval of the county superintendent, in districts of the third class.

Visit school.

18. To visit every school in their district at least once in each term, and to examine carefully into its management, conditions, and needs. This clause applies to each of the trustees.

Privies and outhouses.

19. To provide separate privies or outhouses for the use of the sexes at all schoolhouses, where the same do not exist, and to see that the same are kept in good repair, and in a clean condition. Such privies or outhouses must be located and built in such manner as to secure privacy. In all cases where there is no fence dividing the play yards of the sexes, the privies or outhouses herein named shall be separate and distinct buildings, and situated at least twenty feet apart, and to require

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that all teachers and janitors use due care in keeping all toilets in good repair and in clean condition and free from obscenity; provided, that any trustee or trustees, teacher, janitor, or janitors, failing to comply with the provision of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars, or imprisoned in the county jail not exceeding ninety days, or both such fine and imprisonment in the discretion of the court. Penalty.

20. To allow pupils residing in other districts to attend school in the district of which they have charge, if in their judgment there is sufficient room. Children from other districts.

21. To procure, by purchase or donation, and to cause to be displayed daily in suitable weather, an American flag, with accompanying necessary fixtures, for each and every schoolhouse in their respective districts. Said flags shall be of dimensions not less than four by six feet, and shall be made from durable material. The school trustees are hereby authorized and empowered to use such portion of the school funds as remain in their hands, and which is not otherwise appropriated, for the purchase and erection of fixtures. American flag. Fixtures.

22. To close school at their discretion during the annual session of the state teachers' association, and to allow teachers to attend the same without loss of salary. Close school during annual session of teachers' association.

Section 2. All Acts and parts of Acts in conflict herewith are hereby amended in accordance with the provisions of this Act. Amending clause.

Approved March 9, 1931.

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CHAPTER 123.

An Act Relating to Hydro-Electric Power Sites on State Lands; Making it Unlawful to Sell Such Lands, But Giving the State Board of Land Commissioners Authority to Grant Lease on License for Their Development.

Be it enacted by the Legislative Assembly of the State of Montana:

Power site defined.

Section 1. **Power Site Defined.** The words, "power site", as used in this Act shall mean not only the State owned land on which the dam is constructed, but also each separate tract of such land which will become part of the reservoir and which in and of itself makes an essential contribution to the value of the power site as a whole of not less than five (5%) per cent of the entire value of such power site.

Unlawful to sell but Land Commissioners have power to lease.

Section 2. It shall be unlawful to sell or advertise for sale state lands constituting power sites or part of power sites capable of developing hydro-electric energy in commercial quantities; but the State Board of Land Commissioners is hereby granted power and authority to issue lease or license to any person, corporation or municipality for the development of such power sites and the distribution, use and disposition of the electric energy generated thereon, as herein more specifically provided.

Application for lease or license.

Section 3. **Application for Lease or License—Action Thereon by the Board.** Whenever an application in writing has been presented to the State Board of Land Commissioners for lease or license on a power site on state lands, the board shall make such preliminary examination as to the value of the power site, as to the plans of development submitted by the applicant and of all other matters relating to the proposed development as it deems necessary for the proper disposition of the business. If these preliminary investigations and the offer made for lease or license are such that the board deems further proceedings on the application to be justified, it shall cause notice of the proposed lease or license to be published not less than once each week during not less than six weeks previous to the meeting at which further consideration will be given to the application in two news-

Notice of lease to be published.

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papers of general circulation throughout the State, one of such newspapers to be published in the neighborhood of the location of the power site.

Other applications to be considered.

At this meeting all other applications which may have been received for lease or license to such power sites shall be duly considered together with the application originally filed. The board shall have the right to reject any or all bids. If, however, the board finds that any of the bids submitted offers to pay adequate rental for such power site, shows to the satisfaction of the board that it is capable of carrying out the proposed development and to render efficient service to the customers that will be served from such power development, and intends in good faith without any unnecessary delay to proceed with the development, then the board shall accept such bid; provided, however, that if more than one such acceptable bid is received, then the lease or license shall be awarded to the person, corporation or municipality whose offer, considered in its totality, is the most advantageous to the State. In case one of the applicants is a municipality, its bid shall have preference provided that it is in all respects as advantageous to the State as the bid which has been submitted by any person or corporation; provided, however, that the rental to the state must be paid annually or semi-annually and such rental shall not be less than the full market value of the estate or interest disposed of through the granting of the lease or license, such value to be carefully ascertained from all available sources. The term of the lease shall not exceed fifty (50) years.

Right to reject.

When board shall accept the bid.

Proviso.

Municipality has preference.

Proviso.

Rental.

Term.

Section 4. **Joint Development with the United States.** If the state land constituting such power site is part of a larger power site owned or controlled by the Government of the United States, then the board may grant a joint lease or license with the United States for the development of the power site and the distribution, use and disposition of the electric energy generated at such power site under the laws of the United States and regulations issued pursuant thereto, and such lease or license may be granted for a term not exceeding fifty (50) years. The share or percentage of ownership of the State in such joint power site shall be in proportion to the total contribution that the lands of the state make to the value of the entire power site; and before the share of

When joint lease with United States may be granted.

Proportionate interest.

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the state in such power site is advertised for lease or license, the percentage of the state's share in the entire power site must be calculated and agreed upon between the state and the United States. The fee or compensation from time to time to be paid to the state under such lease or license shall be calculated on the basis of the state's share of ownership in the entire power site as calculated and agreed to; provided, however, that it shall not be less than the full market value of the estate or interest disposed of in such lands through the granting of the lease or license to be carefully ascertained from all available sources. Before such lease or license is issued, notice thereof must be given in the same manner as herein required for the issuance of a separate lease or license by the state.

Share to be agreed upon.

Proviso.

Notice.

Section 5. **Amortization of Investment.** In all cases where the lease or license issued by the United States requires the amortization of the investment made in dams, machinery, equipment and appurtenant works, such amortization requirement shall also apply to that portion of the investment representing the State's part or share in the power site so that the state will at all times retain its full share of ownership in the power site and in the dams, machinery, equipment and appurtenant works.

Amortization of investment.

If the state lands constitute a separate power site wholly owned by the State and independently developed, the lease or license issued by the state may provide for the amortization of the capital invested in the dam, machinery, equipment and appurtenant works, not including the distribution system, so that ultimately the state will become the owner of the power site including the dam, machinery, equipment and appurtenant works, not including the distribution system.

Plan so State may become owner.

Section 6. **Restrictions and Regulations.** In issuing any lease or license under the provisions of this Act, the State Board of Land Commissioners shall have the power and it shall be its duty to incorporate in the lease or license such reasonable restrictions and regulations as it finds necessary in order to protect the interest of the state and its people.

Restrictions and regulations.

Section 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repealing clause.

Approved March 9, 1931.

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CHAPTER 124.

An Act to Provide for the Licensing of Portable Sawmills Located on Forest Lands Within the State of Montana, and to Provide for the Revocation of Said Licenses and Fixing the Penalties for the Violation Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

License for portable sawmill.

Section 1. That it shall be unlawful to operate a portable sawmill located upon forest lands within the State of Montana without first obtaining a license therefor from the State Forester of the State of Montana.

Application and contents.

Section 2. Whenever any person, firm or corporation desires to commence the operation of a portable sawmill located or to be located upon forest lands within the State of Montana, such person, firm or corporation shall make application to the State Forester of the State of Montana in writing for a license to operate said portable sawmill. Said application shall disclose to the State Forester the name of the person, firm or corporation contemplating the operation of said sawmill, the location thereof by section, township and range numbers, the rated capacity of said sawmill and the approximate amount of stumpage to be cut at the proposed setting and the approximate date desired for the commencement of said operation. Said application shall be accompanied by the payment of a fee of Two Dollars ($2.00), which is fixed as the license fee for the operation of any portable sawmill, to be credited to the Foresters' Co-operative Fund.

Fee.

License and term.

Section 3. Upon the receipt of such application and the payment of the fee herewith provided, the State Forester shall issue a license to the person, firm or corporation applying therefor, which said license shall be upon a form provided by the State Forester and shall cover such period as said sawmill shall remain in continuous operation on a single setting or location, or until revocation by the State Forester.

Revocation of license.

Section 4. Whenever it shall appear that there is a violation of any law of the State of Montana enacted for the protection of the forest and forest lands of said State in connection with the operation of said portable

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sawmill or in the protection of the lands from which the timber sawed or to be sawed at said mill is cut, the State Forester may in the exercise of his discretion revoke said license and thereby suspend the operation of such sawmill until the conditions constituting a violation of law shall have been remedied and removed.

Definition of sawmill.

Section 5. For the purpose of this Act a portable sawmill is defined to be any sawmill located upon forest lands within the State of Montana and having a rated capacity of less than five thousand feet per hour of operation.

Penalty.

Section 6. Any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00), which fines are to be credited to the General School Funds of the State, and this Act shall not be construed to in any manner affect the civil liability of any person in connection with the origin or spread of fire in the forest lands of the State of Montana.

Repealing clause.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 125.

An Act to Amend Section 4541 Revised Codes of Montana 1921, Providing for the Burial of Deceased Soldiers, Sailors, and Marines, and Providing that the Act Shall Not Apply to Such Soldiers, Sailors or Marines as May Hereafter Die in the State Soldiers' Home in This State, and to Those Who are Not Legal Residents in This State.

Be it enacted by the Legislative Assembly of the State of Montana:

Burial of deceased soldiers.

Section 1. That Section 4541 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

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Section 4541. **Act Not to Apply to Inmates of Soldiers' Home and Non-residents.** This Act shall not apply to such soldiers, sailors or marines as may hereafter die in the State Soldiers' Home in this State, and this Act shall not apply to such soldiers, sailors or marines who, at the time of their death, shall not have a legal residence within this State. Does not apply to inmates of Soldiers' Home or non-residence.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 126.

An Act to Amend Section 6968 of the Revised Codes of Montana of 1921 Relating to the Selection of Homestead and Quantity and Value of Land to be Included Therein.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6968 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"6968. **Selection of Homestead—Quantity and Value of Land.** Homesteads may be selected and claimed: Homestead selection.

1. Consisting of any quantity of land not exceeding three hundred and twenty acres used for agricultural purposes, and the dwelling-house thereon and its appurtenances, and not included in any town plot, city, or village; or Size of town plot.

2. A quantity of land not exceeding in amount one-fourth of an acre, being within a town plot, city or village, and the dwelling-house thereon and its appurtenances. Such homestead, in either case, shall not exceed in value the sum of two thousand five hundred dollars." Size of town plot.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

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Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 127.

An Act Creating the Little Snowy Mountain Game Preserve in Musselshell County, and Defining the Boundaries Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

State game preserve in Musselshell county known as "Little Snowy Mountain Game Preserve".

Section 1. For the better protection of game animals and birds, the following area in the County of Musselshell, State of Montana, is hereby set aside and established as the State Game Preserve, to be regulated by the laws relating to Game Preserves, and to be known as the Little Snowy Mountain Game Preserve, to-wit:

Description.

Beginning at the Southwest corner of Section 31, Township 10 North, Range 22 East, thence east along the South Boundary of Township 10 North, Ranges 22, 23 and 24 East, a distance of about 18 miles to the Southeast Corner of Section 36, Township 10 North, Range 24 East; thence North along the East Boundary of Townships 10, 11 and 12 North, Range 24 East a distance of about 15 miles to an intersection of Flatwillow Creek; thence following Flatwillow Creek and the South Fork of Flatwillow Creek in a westerly direction for about 21½ miles to an intersection of the South Fork of Flatwillow Creek, with the West Boundary of Township 12 North, Range 22 East; thence South along the West Boundary of Townships 12, 11 and 10 North, Range 22 East a distance of about 16¼ miles to the Southwest Corner of Section 31, Township 10 North, Range 22 East, the place of beginning.

Unlawful to hunt or shoot.

Section 2. It shall be unlawful for any person at any time to hunt, trap, kill, capture, molest, catch, or take any game animals or birds of any kind whatever, within the limits of said game preserve, or to discharge any firearms or create any unusual disturbances tending to frighten or drive away any game animals or birds within said preserve; provided, however, that permits to capture

Proviso.

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animals, or birds, for scientific purposes, or for purposes of propagation, and to destroy mountain lions, wolves, foxes, coyotes, wildcats, mink and other predatory animals or birds may be issued by the state game warden, upon the payment of such fee and in accordance with such regulations as may be established for said preserve by the state game and fish commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Permit to capture or kill predatory animals or to catch for propagation.

Penalty.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 9, 1931.

CHAPTER 128.

An Act Permitting Joseph Kenneally of Flathead County, Montana, to File a Claim for Compensation for Alleged Industrial Accident After Expiration of Six Months From the Date of the Happening of Alleged Accident.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Industrial Accident Board is hereby authorized and empowered to allow the filing of a claim against the Industrial Accident Fund by Joseph Kenneally by reason of an alleged industrial accident suffered in the course of his employment by J. P. Grady of Havre, Montana. The Board shall investigate and determine the validity of said claim and shall consider it to have the same status and effect as if it had been presented within six months from the date of the happening of the alleged accident.

Allowing Joseph Kenneally to file claim.

Section 2. This is hereby deemed and declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Emergency measure.

Approved March 9, 1931.

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CHAPTER 129.

An Act Relating to the Consolidation of Banks and Providing for Operation of Offices After Consolidation.

Be it enacted by the Legislative Assembly of the State of Montana:

Consolidation of banks to operate offices.

Section 1. When any two or more banks located in the same county or in adjoining counties shall consolidate in accordance with the provisions of Section 94 of Chapter 89, Laws of 1927 as amended, the consolidated bank may, if it has a paid up capital of Seventy-five Thousand Dollars ($75,000.00) or more, upon the written consent of the Superintendent of Banks and under rules and regulations promulgated by him, maintain and operate offices in the locations of the consolidating banks.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 130.

An Act to Amend Section 10536 of the Revised Codes of Montana, 1921, Relative to the Testimony of Certain Witnesses by Adding Thereto an Additional Subdivision Exempting Psychologists who are Engaged in the Teaching and Observation of School Children Without Consent of Parents or Guardians, Exemption to Apply only in Civil Cases.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10536 of the Revised Codes of the State of Montana, 1921, be and the same is hereby amended so as to read as follows:

Persons in certain relations cannot be examined.

Persons in Certain Relations Cannot Be Examined. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person cannot be examined as a witness in the following cases:

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1. A husband cannot be examined for or against his wife without her consent; nor a wife for or against her husband without his consent; nor can either, during the marriage or afterward, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other. Husband and wife. Proviso.

2. An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment. Attorney.

3. A clergyman or priest cannot, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs. Clergyman.

4. A licensed physician or surgeon cannot, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient, which was necessary to enable him to prescribe or act for the patient. Physician or surgeon.

5. A public officer cannot be examined as to communications made to him in official confidence, when the public interests would suffer by the disclosure. Public officer.

6. Any person engaged in teaching psychology in any school, or who acting as such is engaged in the study and observation of child mentality, shall not without the consent of the parent or guardian of such child being so taught or observed testify in any civil action as to any information so obtained. Teacher of psychology.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

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CHAPTER 131.

An Act Requiring Companies and Agents Dealing in Motor Club Service Contracts to Be Licensed by the Commissioner of Insurance, Defining Terms Used Herein; Prescribing Manner of Obtaining License and Requirements Thereof; Prescribing Forms of Contract and the Filing Thereof and Penalties for Violation of The Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. **Terms Defined.** The following words and phrases, when used in this Act shall, for the purpose of this Act, have the meanings respectively ascribed to them in this section, except in those instances where the context of the Act clearly indicates that they shall have a different meaning;

Commissioner.

"Commissioner". The commissioner of insurance of the State of Montana or his assistants or deputies or other persons authorized to act for him.

Company.

"Company". Any person, firm, copartnership, company, association or corporation engaged in selling, furnishing or procuring, either as principal or agent, for a consideration, motor club service as herein defined.

Agent.

"Agent". Whoever solicits the purchase of service contracts, as herein defined, or transmits for another any such contract or application therefor to or from the company, or acts or aids in any manner in the delivery or negotiation of any such contract, or of the renewal or continuance thereof.

Towing service.

"Towing Service". Any act or acts by a company, as herein defined, consisting of the drafting or moving of a motor vehicle from one place to another under other than its own power.

Emergency road measure.

"Emergency Road Service". Any act or acts by a company, as herein defined, consisting of the adjustment, repair or replacement of the equipment, tires or mechanical parts of any automobile so as to permit it to be operated under its own power.

Bail bond service.

"Bail Bond Service". Any act or acts by a company, as herein defined, the purpose of which is to furnish or procure for any person accused of violation of any law

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of this state a cash deposit, bond or other undertaking required by law in order that the accused might enjoy his personal freedom pending trial.

"Legal Service". Any act or acts by a company, as herein defined, consisting of the hiring, retaining, engaging or appointing of an attorney or other person to give professional advice to or represent holders of service contracts with any such company in any court, as the result of liability incurred by the right of action accruing to the holder of a service contract as a result of the ownership, operation, use or maintenance of a motor vehicle. Legal service.

"Discount Service". Any act or acts by a company, as herein defined, resulting in the giving of special discounts, rebates or reductions of price on gasoline, oil, repairs, insurance, parts, accessories or service for motor vehicles, to holders of service contracts with any such company. Discount service.

"Financial Service". Any act or acts by a company, as herein defined, whereby loans or other advances of money, with or without security, are made to holders of service contracts with any such company. Financial service.

"Buying and Selling Service". Any act or acts of a company, as herein defined, whereby the holder of a service contract with any such company is aided in any way in the purchase or sale of an automobile. Buying and selling service.

"Theft Service". Any act or acts by a company, as herein defined, the purpose of which is to locate, identify or recover a motor vehicle owned or controlled by the holder of a service contract with any such company which has been or may be stolen or to detect or apprehend the person guilty of such theft. Theft service.

"Map Service." Any act or acts by a company, as herein defined, by which road maps are furnished without cost to holders of service contracts with any such company. Map service.

"Touring Service". Any act or acts by a company, as herein defined, by which touring information is furnished without cost to holders of service contracts with any such company. Touring service.

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Motor club service.

"Motor Club Service". The rendering, furnishing or procuring of towing service, emergency road service, insurance service, bail bond service, legal service, discount service, financial service, buying and selling service, theft service, map service and touring service, or any three or more thereof, as herein defined, to any person or persons in connection with the ownership, operation use or maintenance of a motor vehicle by such other person or persons in consideration of such other person or persons being or becoming a member or members of any company, rendering, procuring or furnishing the same, or being or becoming in any manner affiliated therewith, or being or becoming entitled to receive membership or other motor club service therefrom by virtue of any agreement or understanding with any such company.

Service contract.

"Service Contract". Any agreement or understanding whereby any company, as herein defined, for a consideration promises to render, furnish or procure for any other person or persons, whether they be members of such company or otherwise, motor club service, as herein defined.

Licensing of companies and agents.

Section 2. **Companies and Agents Must Be Licensed.** No company, nor any agent, as herein defined, doing business in this state shall execute, issue or deliver any service contract to any person or persons owning or operating motor vehicles without first having obtained a license from the commissioner as provided for in this Act, nor shall any such company or agent collect or receive from any person or persons in advance of the execution, issuance or delivery of any such service contract any money or other thing of value upon any promise or agreement to execute, issue or deliver any such service contract, without first having obtained a license from said commissioner, as provided for in this Act.

Requirements for license.

Section 3. **Requirements for License.** (a). No license shall be issued by the commissioner until the company has filed with him the following:

Application.

1. A formal application in such form and detail as the commissioner may require, executed under oath by its president or other principal officer;

Copy of contract.

2. A copy of the form of its contract;

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3. A certified copy of its charter or articles of incorporation and its by-laws, if any; Articles of incorporation.

4. A financial statement in such form and detail as the commissioner may require, executed on oath by its president or other principal officer; Financial statement.

5. A certificate from the state treasurer of the State of Montana that it has complied with Section 4 of this Act in all cases where a deposit of cash or a bond is required by this Act; Certificate of State Treasurer.

6. A certificate from the corporation commissioner of the State of Montana, in the event it be a corporation, that it has complied with the corporation laws of said state. Certificate from Corporation Commissioner.

(b). **Fee.** No license shall be issued by the commissioner until the company has paid to the commissioner one hundred dollars ($100.00) as an annual license fee, or the pro rata portion thereof necessary to be paid to the end of the current calendar year from the date of the application for such license. Fee.

(c). **Examination.** No license shall be issued by the commissioner until the company has satisfied him by such examination as he may make and such evidence as he may require, in his discretion, that such company has complied with the laws of the State of Montana and that its management is trustworthy and competent. Examination.

Section 4. **Deposits Required.** No license shall be granted to a company as herein defined, except as hereinafter stated until it has deposited with the state treasurer of the State of Montana the sum of twenty-five thousand dollars ($25,000.00) in cash or in lieu thereof a bond in a form prescribed by the commissioner payable to the State of Montana in the sum of twenty-five thousand dollars ($25,000.00), with surety approved by the commissioner, conditioned upon the faithful performance of its service contracts and payment of any fines or penalties levied against it for failure to comply with this Act; provided, however, that when any company, as herein defined, shall prove to the commissioner that it has been in continuous, active operation in the State of Montana for a period of more than five (5) years immediately last past and has a paid membership of more Deposits required. Proviso.

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than five thousand (5,000) members within the State of Montana, or that there are more than five thousand (5,000) holders of its service contracts within the State of Montana, and that it is being properly managed, is rendering to its members the services promised to them, and is financially responsible, no such cash deposit or bond shall be required while such company remains in such condition. The foregoing cash deposit or bond is not required in any instance as a penalty, but for the protection of the public only.

Deposit not for penalty.

Expiration of license.

Section 5. **Expiration of License.** Every license issued hereunder shall expire annually on January 1, of each year, unless sooner revoked or suspended, as hereinafter provided.

Revocation of license.

Section 6. **Revocation of License.** If the commissioner shall, at any time for cause shown and after a hearing, determine that a company has violated any provision or provisions of this Act, or that it is insolvent, or that its assets are less than its liabilities, or that it or its officers refuse to submit to an examination, or that it is transacting business fraudulently, or that its management or business methods are improper or hazardous to the holders of its service contracts, he shall thereupon revoke or suspend its license and shall give notice thereof to the public in such manner as he may deem proper.

Financial statement to be filed.

Section 7. **Financial Statement to Be Filed.** Every company shall annually, on or before February 1 of each year, file with the commissioner a financial statement in such form and detail as he may prescribe, executed on oath by its president or other principal officer, showing its financial condition on December 31 of the preceding year.

Service contract must be filed with Commissioner.

Section 8. **Service Contract Must Be Filed with Commissioner.** No service contract shall be executed, issued or delivered in this state until a copy of the form thereof has been on file for thirty (30) days with the commissioner, unless before the expiration of said thirty (30) days he shall have approved the form in writing; nor shall any service contract be executed, issued or delivered at any time in this state if the commissioner notified the company, in writing, within said thirty (30) days, that in his opinion the form of the contract does not com-

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ply with the laws of this state, specifying the reasons therefor.

Contracts must be in duplicate.

Section 9. **Contracts Must Be in Duplicate.** Every service contract, executed, issued or delivered in this state shall be made in duplicate, and shall be signed by the company issuing the same, or by its duly authorized agent, and by the party purchasing the same, and one copy thereof shall be kept by said company, and the other copy shall be delivered to the party purchasing the same.

Form of contract.

Section 10. **Form of Contract.** No service contract shall be executed, issued or delivered in this state unless it contains the following;

Name.

(a). The exact corporate or other name of the company;

Location of offices.

(b). The exact location of its home office and of its usual place of business in this state, giving street number and city;

Cancellation and right to unused portion.

(c). A provision that the contract may be canceled at any time by either the company or the holder, and that the holder shall, if he has actually paid the consideration, thereupon be entitled to the unused portion of the consideration paid for such contract, calculated on a pro rata basis without any deductions;

Provision for services.

(d). A provision plainly specifying the services promised and that the holder shall not be required to pay any sum for any services specified in the contract in addition to the amount specified in the contract, and further specifying the territory wherein such services are to be rendered, and the date when such service shall commence.

Companies must be licensed.

Section 11. **Companies Must Be Licensed.** No person shall solicit or aid in the solicitation of another person to purchase a service contract issued by a company not duly licensed under this Act.

Misrepresentation of contract.

Section 12. **Contract Must Not Be Misrepresented.** No company, and no officer or agent thereof, shall orally or in writing misrepresent the terms, benefits or privileges of any service contract issued or to be issued by it.

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Contracts binding.

Section 13. **Contracts Binding.** Any service contract made, issued or delivered contrary to any provision of this Act shall nevertheless be valid and binding on the company.

When Act shall not apply.

Section 14. **Act Shall Not Apply—When.** Nothing in this Act shall apply to a duly authorized attorney at law acting in the usual course of his profession, nor to any insurance company, bonding company, or surety company, now or hereafter duly and regularly licensed and doing business as such under the laws of the State of Montana.

Penalty for violation.

Section 15. **Penalty for Violation.** If any person shall violate the provisions of this Act, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

Saving clause.

Section 16. **Constitutionality.** If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, and the legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Repealing clause.

Section 17. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 18. This Act is deemed and declared an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

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CHAPTER 132.

An Act Permitting John Sticknock, to File a Claim for Compensation for Alleged Industrial Accident After Expiration of Six Months From the Date of the Happening of Alleged Accident.

Be it enacted by the Legislative Assembly of the State of Montana:

Permission of John Sticknock to file claim after expiration of six months of accident.

Section 1. The Industrial Accident Board is hereby authorized and empowered to require of the Long Clary Stock Company to make full report of an accident occurring to John Sticknock, their employee on or about June 1st, 1930, and to report said accident to their insurer, the Aetna Life Insurance Company, whose agent resides at Butte, Montana, and thereupon the said insurance company shall pay all medical and hospital bills required from such accident, and to pay John Sticknock compensation for disability in accord with the provisions of the Workmen's Compensation Act. All of the said payments to be made, provided, that after investigation it shall be found that the accident to John Sticknock arose out of and occurred in the course of his employment. His claim for compensation shall have the same status and effect as if it had been presented within the six months' time, provided in the Workmen's Compensation Act for the filing of claims.

Reference to section.

Section 2. Reference is hereby made to Section 2899 of the Workmen's Compensation Act and the same is hereby suspended in this particular case.

Emergency measure.

Section 3. This is hereby deemed and declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

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CHAPTER 133.

An Act to Amend Section Two of Chapter 140 of the Laws of the 20th Legislative Assembly of the State of Montana Relating to the Assessment and Taxation of Royalty and Royalty Interest in the Mineral Products of any Quartz Vein or Lode or Placer Mining Claim or any Mine Whatsoever Containing Gold, Silver, Copper, Lead, Petroleum or Other Valuable Mineral or Minerals Deposit.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section two of Chapter 140 of the Laws of the 20th Legislative Assembly of the Laws of the State of Montana be amended to read as follows:

"Section 2. Upon receipt of such statement, the State Board of Equalization shall proceed to the assessment of all such royalty interests and shall assess the same at the full cash value thereof, which shall be the full cash value of the money or product paid or yielded as royalty thereto during the preceding calendar year, which royalty interests and the money or product paid or yielded thereto, shall be deemed a part of the net proceeds of a mine or mines and shall be taxed on the same basis as net proceeds of mines are taxed as provided by Section 1999 of the Revised Codes of Montana of 1921, provided, however, that any royalty owner or holder who, during the preceding calendar year, shall have received all or any part of his royalty in kind instead of money, may, on or before the 30th day of April in any year, file with the State Board of Equalization an affidavit setting forth the amount of any storage charges paid by him during the preceding calendar year upon such product so yielded to him as royalty, and upon receipt of such affidavit, the State Board of Equalization shall deduct such amount so paid as storage charges from the amount of the full cash value of such royalty interest or interests so owned or held by such royalty owner or holder, and such royalty interest or interests shall thereupon be assessed upon the net amount thus obtained, subject, however, to a deduction to be then made by said State Board of Equalization for depletion in accordance with the rules and regulations of the Fed-

Royalty tax.

Proviso.

Affidavit of storage charges.

Deduction for depletion.

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eral Government with reference to depletion for income tax purposes.

Certification to County Clerk for assessment.

On or before the fourth Monday in July in each year the State Board of Equalization shall certify such list or schedule, together with the said assessments to the County Clerk of the County in which such mines and mining claims are located, and such County Clerk shall thereupon enter such assessment on the assessment roll under the name of the owner or holder of such royalty interest or interests, and thereafter notice of such assessment and the amount of the tax to become due thereunder shall be given to such royalty owner or holder in the same manner as is provided with reference to taxes upon real property and such tax shall thereafter be paid in the same manner and within the same time as taxes upon real property. The tax so assessed shall be and constitute a lien upon such royalty interest or interests on and after the first Monday of March of each year. In the event that the payment of such tax shall become delinquent, then and thereupon the County Treasurer of the County to which such tax is due shall forthwith give five written notice of such delinquency to the operator of the mine or mines liable for such royalty payments, which notice shall set forth the full amount of the tax, interest, penalties and charges then due, and thereafter such operator shall pay or deliver or cause to be paid or delivered to such County Treasurer all royalty accruing to such royalty interest or interests, or so much thereof as may be necessary, until the full amount of the tax, together with all legal interest, penalties and charges shall have been fully paid, and upon such payment full receipt for such taxes, interest, penalties and charges shall, by such County Treasurer, be delivered to such royalty owner or holder and a certificate of such payment shall at the same time be delivered to such operator and thereupon the lien hereby created upon such royalty interest or interests shall cease. For each notice of tax delinquency so furnished by the County Treasurer to any operator or operators, as herein provided, the County Treasurer shall add the sum of $1.00 to the amount of such delinquent tax, and include the same therein. If any operator shall fail to make payment or delivery of any royalty to such County Treasurer for a period of 30 days after the date upon which

Lien on royalty interest.

Notice of delinquency.

Certificate of payment.

Penalty of $1.00 a notice.

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Sale to cover tax.

such royalty became due from such operator to such royalty owner or holder, then such tax, together with all interest, penalties and charges, shall thereupon be and become a lien upon the mine or mining claim to which such royalty interest or interests is or are attached and a sale of such mine or mining claim for such delinquent tax, together with all interest, penalties and charges, may thereupon be made in the same manner as provided for the sale of real estate for delinquent taxes."

Repealing clause.

Section 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 134.

An Act Forbidding Driving on Highways Under Course of Construction or Detours Where Same Have Been Closed to Traffic, and Authorizing the State Highway Commission of Montana to Make Rules and Regulations Governing the Erection of Barriers Upon Such Highways or Detours and Providing Penalties for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Unlawful to travel on road under construction.

Section 1. It shall be unlawful for any person, or persons to operate, drive, or propel any vehicle upon any highway, detour, or road, in the State of Montana in the course of construction, or repair, or being constructed and repaired, when the State Highway Commission or any person, firm, or corporation employed by it, or the federal government shall have erected or caused to be placed any detour, barrier, sign, or warning signal in any manner or at all indicating that the traffic along or across such highway, detour, or road, is closed, or is not to be carried on.

Character of sign.

Section 2. For the purpose of defining what shall be a proper or legal detour sign, barrier, or warning signal the State Highway Commission of the State of Montana is hereby authorized and empowered to promulgate fixed

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rules and regulations defining what character of detour sign, barrier, or warning signals shall be erected for given classes or kinds of repair or construction work, and where and when such detour sign, barrier, or warning signal shall be placed.

Through route.

Stop signs.

Section 3. The State Highway Commission of the State of Montana is hereby authorized to designate any State Highway or portion of a State Highway as a through route, and to erect stop signs at any or all intersecting public roads. Any person, or persons, who shall drive upon any highway, detour, or road, or any part thereof where there are signs or barriers indicating that traffic along or across such highway, detour or road, is closed and not to be carried on, or contra to any detour sign, barrier, or warning signal which has been erected and placed in accordance with the rules and regulations of the State Highway Commission shall be held to be unlawfully upon said highway, detour, or road, unless reasonably safe detours have been provided. Any person, or persons so unlawfully on such highway, detour or road, or who removes, destroys or defaces any detour sign, barrier, or warning signal erected under the authority of this Act, or pursuant to directions of the State Highway Commission, or the Federal Bureau of Public Roads, or who extinguishes, removes, or destroys any lantern, torch or reflector from any barrier or warning signal so erected shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than $10.00, nor more than $300.00, or imprisonment in the county jail not to exceed 60 days, or by both such fine and imprisonment.

Unlawful to disobey signs.

Penalty for destroying signs.

Obstructing highway.

Section 4. It shall be unlawful for any vehicle to be parked upon any bridge or its approaches. It shall be unlawful for any vehicle to be parked on any highway in such a manner as to obstruct traffic.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

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CHAPTER 135.

An Act to Amend Section 8901 of the Revised Codes of the State of Montana, of 1921, Relating to Time of Service of Regular Jurors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8901 of the Revised Codes of the State of Montana, of 1921, be, and the same is hereby amended to read as follows:

Section 8901. The persons whose names are so returned are known as regular jurors, and must serve for one (1) year, and until other persons are selected and returned; provided, however, that if jurors are drawn before the selection and return of the new jury list as provided in Section 8896, et seq., of the Revised Codes of Montana of 1921, and thereafter a new jury list is returned, they shall continue to serve as jurors, if the business of the court requires the attendance of a jury, for a period not exceeding thirty (30) days; provided further, however, notwithstanding such limitation of service, a jury composed of such jurors, duly impaneled to try any cause, shall continue to serve in such cause until discharged by the court from any further consideration of such cause, and the fact that a new jury list has been returned shall not affect their status as jurors.

Regular jurors.

Proviso.

Must serve till discharged.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 9, 1931.

CHAPTER 136.

An Act Establishing a Presumption on Appeal that Defendant, Convicted in District Court, was Present at all Stages of the Trial, Unless it Shall Affirmatively Appear by the Record to the Contrary, and Presumption that the Court gave Proper Admonition to Jury at Each Recess or Adjournment of Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. In all cases appealed to the Supreme Court from judgment of conviction or upon denial of motions

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for new trial, unless the record on appeal affirmatively shows to the contrary, it shall be conclusively deemed that the defendant was present in court at all stages of the trial; and unless the record affirmatively shows to the contrary, upon all such appeals, it shall be conclusively deemed that the court or judge gave the proper admonition, in accordance with the provisions of Section 11999, Revised Codes of Montana of 1921, to the jury at each recess or adjournment of the court, and no case shall be reversed on appeal or motion for new trial because of the mere failure of the record to show the presence of the defendant as aforesaid or the failure of the record to show that such admonition was given to the jury.

Presumption on appeal that defendant was present at all stages of trial and that court gave proper admonition to jury.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1931.

CHAPTER 137.

An Act for the Submission to the Qualified Electors of the State of Montana an Amendment to Section 45 of Article 5 of the Constitution of the State of Montana Relating to the Filling of Vacancies Occurring in Either House of the Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 45 of Article 5 of the Constitution of the State of Montana be amended as is hereinafter provided, and that the question of said amendment be submitted to the qualified electors of the State of Montana at the next general election.

Submission of amending constitution to people.

Section 2. That Section 45 of Article 5 of the Constitution of the State of Montana be, and the same is hereby amended to read as follows:

Section 45. When vacancies, caused by death, occur in either house of the Legislative Assembly, such vacancies shall be filled by appointment by the board of county commissioners of the county from which such vacancy occurs. All vacancies occurring from any other cause

Death vacancies in Legislative Assembly to be filled by County Commissioners.

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shall be filled by election upon proclamation of the Governor.

When by election.

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot provided by Section 678 of the Revised Codes of Montana of 1921, and as provided by law, and shall be voted on at the general election to be held in November, 1932, and the principal ballot to be used at said election shall have printed thereon the words—

To be submitted to people.

Form.

☐ For an amendment to the constitution relating to the filling of vacancies in either house of the Legislative Assembly.

☐ Against an amendment to the constitution relating to the filling of vacancies in either house of the Legislative Assembly.

The elector shall designate his preference for either of the propositions by making an "X" before the proposition desired.

Canvass and if passed becomes a part of constitution.

Section 4. The votes cast for and against this amendment above proposed, shall be counted, canvassed and determined by such officials, and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the Governor of the State shall so declare by public proclamation and the amendment shall be in full force and effect as a part of the Constitution from and after the date of such proclamation.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

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CHAPTER 138.

An Act to Fix the Standard Grades of Apples, Defining Same; the Standard Size of Apple Box; Regulating the Sale of Apples; Providing for Marking of Containers; and Providing Penalties for Violation Thereof; and Repealing Chapter 276 of the Revised Codes of Montana, 1921, as Amended by Chapter 118 of the Session Laws of 1923 and Chapter 81 of the Session Laws of 1925.

Be it enacted by the Legislative Assembly of the State of Montana:

Standard grades of apples.

Section 1. The standard grades for apples for the State of Montana shall be: "Extra Fancy", "Fancy", "C", "Cooker", "Combination Grades", and "X F F C".

Extra fancy.

(A) "Extra Fancy" grade shall consist of mature, clean, smooth, well formed apples only, free from all insect pests, diseases, bruises and holes, spray burn, limb rub, visible water-core, skin punctures or skin broken at stem, and shall be free from russeting, except russeting within the cavity of the stem shall be permitted.

Fancy.

(B) "Fancy" grade shall consist of mature, clean, smooth, fairly well formed apples only, free from all insect pests, diseases, bruises and holes, spray burn, limb rub, visible water-core, skin punctures or skin broken at stem, but slight scratches and russeting shall be permitted up to five per centum (5%) of the surface of the apple. Apples carrying extra fancy color requirements characteristic of the variety, showing pin point scab in cavity, or basis, may be permitted in this grade.

"C" grade.

(C) "C" grade shall consist of apples which are mature, free from infection, soft bruises and broken skin and must have ten per centum (10%) of color requirements characteristic of the variety, provided that this grade may include healed over worm stings and scab spots not to exceed one-quarter (¼) inch in the aggregate The word "Choice" must not be used in connection with this grade.

Cooker grade.

(D) "Cooker" grade shall consist of apples free from infection, or disease, or serious damage, but which do not meet the requirements of "Extra Fancy", "Fancy", or "C" grade, and shall be marked "Cookers" or "Culls".

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Combination grades.

(E) "Combination Grades". When "Extra Fancy" and "Fancy" apples are packed together the boxes must be marked "Combination Extra Fancy, and Fancy". When "Fancy" and "C" grades are packed together the boxes must be marked "Combination Fancy and 'C' ". Combination grades must contain at least twenty-five per centum (25%) of apples which belong to the higher grade in the combination.

X F F C grade.

(F) "X F F C" grade shall consist of "Extra Fancy", "Fancy" and "C" grade apples packed in combination. Boxes so marked must contain at least fifteen per centum (15%) of apples of "Extra Fancy" grade and not more than fifty per centum (50%) of "C" grade. No apples failing to meet the requirements of "C" grade shall be permitted in this grade.

Small.

(G) No apples smaller than two (2) inches in diameter shall be permitted in any grade. Small apples which are under size requirements as prescribed may be shipped marked "Small" provided such apples are free from injurious insect pests and diseases.

Tolerance of 10%.

(H) In order to provide for variations incident to commercial grading and handling a tolerance of ten per centum (10%) for a total of all defects from the standard of the grade shall be allowed.

Marking containers.

Section 2. Any box, barrel, crate or carton used in packing apples for sale shall be marked or branded in plain legible letters on one (1) end with:

a. The name of grower, or person, or firm responsible for pack, and the locality where grown or packed.

Contents of markers.

b. With the name of the variety.

c. With the grade contained therein, which must comply with the provisions of this Act.

d. With the approximate number of apples contained therein, or with the net weight of contents.

Bulk.

Section 3. Apples shipped or sold in bulk shall have two (2) cards at least four by six inches (4" x 6") in size attached to the doors of the car or on side of truck in which they are moved, such cards to designate grade of apples as specified in Section 1, or "Orchard Run".

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Section 4. **Standard Size of Apple Box:** There is hereby created and established a standard size for apple boxes for the State of Montana. The standard size of an apple box shall be of the following dimensions, when measured without distention of its parts: Depth of end, ten and one-half inches (10½″); width of end, eleven and one-half inches (11½″); length of box, eighteen inches (18″) inside measurements; and representing as nearly as possible two thousand one hundred and seventy-three and one-half cubic inches (2,173½″). Standard size of apple box.

Section 5. **Short Boxes to Be Marked:** Any box in which apples shall be packed and offered for sale that contains less than the required number of cubical inches, as prescribed in the preceding section, shall be plainly marked on one (1) side and one (1) end with the words "SHORT BOX", or with the words or figures showing the practical relation which the actual capacity of the box bears to the capacity required by the preceding section. The marking required by this paragraph shall be in black letters of not less than one-half (½) inch in size. Short box.

Section 6. **Penalty for Violation of Act:** No person, firm, company, or organization shall sell or offer for sale, or shipment within or without the State of Montana, apples branded or packed in containers in violation of the provisions of this Act, provided that apples not conforming to established grades may be sold if labeled, tagged or branded in the same manner as graded products, except that in place of specifying the grade the words "Not standard" shall be used. Any person, firm, company, or organization who shall knowingly sell or offer for sale, or shipment within or without the State of Montana, apples branded or packed in containers in violation of the provisions of this Act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be subject to a fine of not less than Ten Dollars ($10.00), or more than Fifty Dollars ($50.00). Violation and penalty.

Section 7. Chapter 276 of the Revised Codes of Montana, Chapter 118 of the Session Laws of 1923, and Chapter 81 of the Session Laws of 1925, and all Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 9, 1931.

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CHAPTER 139.

An Act to Amend Section 2863 of the Revised Codes of Montana of 1921 as Amended by Chapter 121 of the Session Laws of the Nineteenth Legislative Assembly of 1925; Section 2873 of the Revised Codes of Montana of 1921; Section 2917 of the Revised Codes of Montana as Amended by Chapter 121 of the Session Laws of the Nineteenth Legislative Assembly of 1925 and Further Amended by Chapter 177 of the Session Laws of the Twenty-first Legislative Assembly of 1929; and Sections 2945, 2953, 2971 and 2980 Relating to Workmen's Compensation: Defining Certain Words; Medical and Hospital Services to be Furnished by the Industrial Accident Board; the Time During Which Said Services are to be Rendered and the Amount Thereof; Fees for Filing Contracts With Board; Apportionment of Costs and Disbursements; and Record of Proceedings to be Kept and Testimony to be Taken Down in Case of Hearings and Defining Powers With Relation to Attorney's Fees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2863 of the Revised Codes of Montana of 1921, as amended by Chapter 121 of the Session Laws of the Nineteenth Session of the Legislative Assembly of 1925, be, and the same is hereby amended to read as follows:

Definition of employee and workman.

Section 2863. **"Employee" and "Workman" Defined.** "Employee" and "workman" are used synonymously and mean every person in this state, including a contractor other than an "independent contractor" who is in the service of an employer as defined by the preceding section, under any appointment or contract of hire, expressed or implied, oral or written including aliens and also including minors, whether lawfully or unlawfully employed, and all who are connected with or engaged in hazardous occupations of the elected and appointed paid public officers and officers and members of boards of directors of quasi-public or private corporations while rendering actual service for such corporations for pay, but excluding any person whose employment is both casual and not in the courses of the trade, business, profession or occupation of his employer, unless such employer

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has elected to be bound by the provisions of the Compensation Law, in which case all employees are included, whether their employment is casual or otherwise, and also excluding any employee engaged in household or domestic service.

Section 2. That Section 2917 of the Revised Codes of Montana of 1921, as amended by Chapter 121 of the Session Laws of the Nineteenth Legislative Assembly of 1925, and further amended by Chapter 177 of the Session Laws of the Twenty-first Legislative Assembly of 1929, be, and the same is hereby amended to read as follows:

Medical and hospital services.

Section 2917. **Medical and Hospital Services and Such Other Treatment as Approved by the Board, to Be Furnished.** During the first six (6) months after the happening of the injury, the employer or insurer or the board, as the case may be, shall furnish reasonable services by a physician or surgeon, reasonable hospital services and medicines when needed, and such other treatment approved by the board, not exceeding in amount the sum of Five Hundred Dollars ($500.00), unless the employee shall refuse to allow them to be furnished, and unless such employee is under hospital contract as provided in Section 2907 of this Act.

Hospital services.

And it is further provided that when such employee is under a hospital contract as above and when hospital or medical facilities or both are inadequate to the needs of an injured employee in a particular case such injured employee may, any time, be placed where adequate hospital facilities are obtainable, and the cost thereof in whole or in part shall be a legal charge against the one so contracting to furnish hospital facilities, and the amount of such charge and the necessity therefor shall be determined by the board.

Section 3. That Section 2945 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Apportionment of costs and disbursements.

Section 2945. **Apportionment of Costs and Disbursements.** The costs and disbursements, incurred in any proceeding or hearing before the board, or a member thereof, may be apportioned between parties on the same or adverse sides, in the discretion of the board. Costs

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and disbursements in any proceeding or hearing arising out of cases under Plan No. 3 may be paid from the Industrial Accident Fund.

Section 4. That Section 2953 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Record of proceedings.

Section 2953. **Record of Proceedings to Be Kept and Testimony to Be Taken Down—Attorneys.** A full and complete record shall be kept of all proceedings and hearings had before the board, or any member thereof, of any formal hearing had, and all testimony produced before the board or any member thereof shall be taken down by a stenographic reporter appointed by the board, and the parties shall be entitled to be heard in person or by attorney, and the board shall have the power to fix and determine the amount of attorney's fees to be allowed in all proceedings where an attorney appears for either party. In cases of an action to review any order or decision of the board, a transcript of such testimony, together with all exhibits, and of the pleadings, records, and proceedings in the cause shall constitute the record of the board.

Attorney fees.

Section 5. That Section 2971 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Proof of solvency of employer electing Plan No. 1.

Section 2971. **Proof of Solvency of Employer Electing Plan No. 1 to Be Filed.** Every such employer now or hereafter engaged in the State of Montana, in the industries, trades, works, occupations, or employments herein mentioned, and who shall have elected to be bound by such compensation Plan No. 1, shall file such proof of his solvency within the time and such form as may be prescribed by the rules or orders of the board. The Industrial Accident Board shall require a fee of Five Dollars ($5.00) to be paid into the Industrial Administration Fund for the filing of every such proof of solvency.

Section 6. That Section 2980 of the Revised Codes of Montana, be, and the same is hereby amended to read as follows:

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Section 2980. **Policies to Contain What.** All policies insuring the payment of compensation under this Act, must contain a clause to the effect that as between the employee and the insurer the notice to, or knowledge of the occurrence of the injury on the part of the insured, shall be deemed notice or knowledge, as the case may be, on the part of the insurer; that jurisdiction of the insured for the purpose of this Act shall be jurisdiction of the insurer; and that the insurer shall, in all things, be bound by and subject to the awards, orders, judgments, or decrees rendered against such insured. When any such policy, or a renewal thereof, is filed with the Industrial Accident Board, the same shall be accompanied by a fee of Three Dollars ($3.00), which fee is to be credited to the Industrial Administrative Fund.

Contents of policies.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 140.

An Act Providing for the Validating of Tax Sales and Deeds and Contracts Relative to Sales of Real Property by Boards of County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All sales heretofore made, or attempted to be made, by counties of real property purchased for taxes, and the deeds to purchasers and the contracts for sale of real property to purchasers, whether irregular or void for any failure to comply with any of the provisions of any statute or of any Act of the Legislature relating to the time or manner or form of the publication of the notice of sale or to the time or place or manner of posting notices of sale of real property, are hereby confirmed; and said deeds and contracts, and any deed or contract executed under this section, shall vest in the purchaser, as of the date of said deed or contract, all

All county sales for delinquent taxes confirmed.

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the right, title, interest, estate, lien, claim and demand of the State of Montana, and of the county, in and to said real estate.

Repealing clause.

Section 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 141.

An Act to Amend Section 11700 of the Revised Codes of Montana of 1921, Relating to Appeals in Proceedings for Removal of Officers, Suspension from Office and Filling of Vacancies During the Pendency of Said Appeals.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11700 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Appeal in proceedings for removal of officers.

Section 11700. **Appeal, How Taken—Defendant to Be Suspended and Vacancy Filled.** In any proceeding instituted under the provisions of Sections 11687 to 11702, both inclusive, of the Revised Codes of Montana of 1921, an appeal may be taken to the Supreme Court by the plaintiff from a judgment in favor of the defendant, and by the defendant from a judgment removing him from his office, which appeal shall be taken in the same manner as from a judgment in a civil action; but if the appeal be from a judgment of removal, the defendant is suspended from his office pending such appeal, during which time the office must be filled as in case of a vacancy.

Suspension pending appeal.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1931.

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CHAPTER 142.

An Act to Provide for the Sanitary Inspection of Slaughtering Houses, the Slaughtering, Inspection and Grading of Animals or Meats Intended for Human Consumption; to Provide Rules and Regulations Therefor, and to Provide for the Penalty for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This Act shall be known as "The Montana Meat Inspection Law".

System of inspection and meat grading.

Section 2. The Livestock Sanitary Board is hereby empowered to establish a system of meat inspection and meat grading in cities of the first class and in any other city, town, county or district when considered necessary for the public health or welfare and are given supervision over all establishments used in the business of slaughtering and preparing animals for food purposes in the State of Montana, except establishments slaughtering or preparing animals for food purposes where inspection is maintained by the Bureau of Animal Industry of the United States Department of Agriculture. And the Livestock Sanitary Board is empowered and directed at any and all times to visit any establishment, place, or premise where animals are slaughtered or prepared for food purposes, as well as all retail meat markets, meat canneries, sausage factories, curing and smoke houses, and similar places, for the purpose of determining the wholesomeness and healthfulness of animals slaughtered for food purposes, meats and meat food products intended for human consumption and the sanitary conditions of buildings, drainage, sewage, cleanliness, equipment, utensils, employees, clothing, water supply, and disposal of refuse, and the Livestock Sanitary Board is further authorized and empowered to provide suitable rules and regulations to insure a healthful, wholesome, and safe meat supply for the state of Montana.

Visiting establishments.

Employment.

Section 3. For the purpose of this Act, the Montana Livestock Sanitary Board is authorized to employ persons skilled in the inspection of meats and meat food products for wholesomeness and healthfulness, necessary additional employees and equipment as required, and such

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Board is authorized to utilize and employ in the enforcement of this Act any employee or agent of the Montana Livestock Sanitary Board.

When special permit necessary.

Section 4. No animal shall be slaughtered for food purposes in the State of Montana except between the hours of five o'clock A. M. and nine o'clock P. M., unless a special permit in writing is issued by the Livestock Sanitary Board or their authorized agent.

Antemortem inspection.

Section 5. When it is deemed necessary, in order to safeguard the public health, the Livestock Sanitary Board shall cause to be made an antemortem inspection of any cattle, sheep, swine, or other animals before being slaughtered for food purposes. Such inspection shall be made prior to slaughter and satisfactory facilities shall be provided for conducting such examinations and separating from the passed animals those deemed unfit for immediate slaughter, and if any owner or person in charge is about to slaughter for food purposes any animal or animals, which the Livestock Sanitary Board believes may be affected with disease, said board shall notify the owner or person in charge of said animals to refrain from slaughtering them for food purposes until the previously mentioned antemortem examination shall be completed, and any owner or person slaughtering animals for food purposes after notification by the Livestock Sanitary Board shall be guilty of a misdemeanor; provided, however, that no owner or person shall be required to refrain from slaughtering animals for a period longer than seventy-two (72) hours.

Notice to refrain.

Post mortem examination.

Section 6. The Livestock Sanitary Board is authorized to provide post mortem inspection of all animals slaughtered for food purposes in any or all establishments in the State of Montana, if they deem the same necessary in order to safeguard the public health or welfare. The head, tongue, tail, thymus glands, viscera, and other parts and blood used in the preparation of meat food, meat food products, or medicinal products shall be retained in such a manner as to preserve their identity until after the post mortem examination has been completed. Carcasses and parts thereof found to be sound, healthful and wholesome after inspection, fit for human food shall be passed and may be marked in the following manner: "Mont. L. S. S. B. Inspected and Passed".

Evidence.

Markings.

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This mark may also include any number given the establishment. Each carcass or part thereof which is found on post mortem inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food shall be marked conspicuously by the inspector at the time of inspection with the words, "Mont. L. S. S. B. Inspected and Condemned", and such carcasses or parts thereof, under the supervision of the inspector, shall be rendered unfit for human consumption in a manner approved by the Livestock Sanitary Board.

Condemned carcasses.

Section 7. Any person, firm or corporation engaged in the slaughtering of cattle, sheep, swine, or other animals for food purposes, within any area designated by the Livestock Sanitary Board where meat inspection will be established, desiring to maintain inspection service in the establishment, in order to have the healthfulness of the meat and meat food products certified to, may make application for the inauguration for inspection service in such establishment. Such application shall be in writing addressed to the Livestock Sanitary Board on blanks which shall be furnished by said Livestock Sanitary Board. In such application the applicant for inspection shall agree to comply with the provisions of this Act and to maintain said establishment in a clean and sanitary manner. Upon receipt of said application the Livestock Sanitary Board shall make an inspection of said establishment and if found clean and sanitary, and properly equipped to conduct its business in accordance with the rules and regulations of the Livestock Sanitary Board, they shall inaugurate an inspection service therein and shall give to this establishment an official number and this number shall be used to mark the meat and meat food products of the establishment as provided in this section. Such an establishment shall thereafter be known as "Official Establishment No.....".

Application and contents.

Inspection.

Numbered.

Section 8. The dressed carcasses of all animals intended for human consumption, parts thereof, meats, or meat food products inspected and marked in accordance with sections five and six of this Act shall be permitted to be sold and offered for public consumption in the State of Montana and any subdivision thereof without restriction, except that imposed upon meat or meat food products bearing the inspection stamp of the United States Department of Agriculture.

When permitted to be sold.

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Section 9. It shall be unlawful for any firm, person, or corporation, except employees of the Livestock Sanitary Board, to have in possession, keep or use any mark, stamp or brand, similar in character or import to the mark, stamp or brand, provided or used by the Livestock Sanitary Board for marking, stamping, or branding the carcass of any animal intended for food purposes, parts thereof, meat or meat food products, or to have in possession, keep or use any mark, stamp, or brand having thereon a device or words the same or similar in character or import to the marks, stamps, or brands provided or used by the Livestock Sanitary Board for marking, stamping or branding carcasses of animals intended for food purposes, parts thereof, meats, or meat food products.

Unlawful to possess stamps of Sanitary Board.

Section 10. The Livestock Sanitary Board shall from time to time provide rules and regulations necessary for the efficient execution of the provisions of this Act, and all inspections and examinations made under this Act shall be made in such a manner as described in the rules and regulations provided by said Livestock Sanitary Board not inconsistent with the provisions of this Act; provided, however, that in such rules and regulations said Livestock Sanitary Board shall be guided by the rules governing meat inspection of the United States Department of Agriculture.

Rules and regulations.

Proviso.

Section 11. It shall be unlawful for any person, firm or corporation to maintain, or operate a slaughtering house, which is unclean or unsanitary.

Unsanitary houses unlawful.

Section 12. Any person, firm or corporation engaged in the business of slaughtering and preparing animals for food purposes or preparing or retailing meats, or meat food products, or manufacturing sausage, or operating meat canneries, curing or smoking rooms, or any owner or person in charge of any animal intended for slaughter for food purposes violating any of the provisions of this Act, or the rules and regulations promulgated by the Livestock Sanitary Board for its enforcement, shall be deemed guilty of a misdemeanor, and in addition may have their inspection service discontinued by the Livestock Sanitary Board.

Penalty.

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Not in interference with State Board regulations.

Section 13. Nothing in this Act shall be construed as interfering or rescinding in any way the duties now conferred upon, or the regulations promulgated by the State Board of Health with reference to the inspection of meat markets or restaurants or the examination of meat products sold, possessed or offered for sale, by such meat markets or restaurants, or penalties provided for violations thereof.

Not in conflict with local ordinances.

Section 14. Nothing in this Act shall prevent the governing authority of any municipal corporation or any county from enacting or enforcing ordinances providing for the inspection of slaughter houses, the inspection of animals, meats or meat food products for human consumption but no such ordinance shall be enforced in conflict with the powers of this Act delegated to the Livestock Sanitary Board, its officers or agents.

Additional measure only

Section 15. It is expressly provided that it is the intention of this Legislative Assembly that the enactment of this Act does not repeal or amend any of the now existing statutes relating to the establishment of a system of meat inspection or the sale, inspection, analysis or handling of meat or meat food products but is intended as additional legislation for the establishment of meat inspection and meat grading as hereby provided.

Saving clause.

Section 16. If any section, subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Approved March 9, 1931.

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CHAPTER 143.

An Act Making it Unlawful for Oil and Gas Companies, or Refineries, or Any Person or Persons, or Corporations, or Associations Storing or Dealing in Crude Oil or Gas or Highly Volatile Derivatives, to Require Employees to Work Where There is Danger of Suffocation, Without Providing Gas Masks and Safety Devices; and Providing Penalties for Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Gas masks for employees handling crude oil or gas.

Section 1. From and after the passage of this Act, it shall be unlawful for all oil and gas companies, or refineries, or any person or persons, or corporations, or associations, storing or dealing in crude oil or gas or any highly volatile derivatives of the same, where there is danger of suffocation to an employee, to require such employee to undertake such duty, or perform such work, without being provided with a standard gas mask; and where such duty or work is required of an employee, the employer shall further provide such a standard gas mask in good working condition for immediate use.

Penalty for violation.

Section 2. Any person, firm or corporation failing to provide said safety appliances for the protection of their employees shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars ($100.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Emergency clause.

Section 4. This is hereby deemed and declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

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CHAPTER 144.

An Act Amending Section 1704 of the Revised Codes of Montana of 1921, Authorizing the Boards of County Commissioners to Levy an Additional Special Tax for the Purpose of Constructing, Maintaining and Repairing Public Bridges and Providing for a Rate of Such Taxation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1704 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 1704. The Board of County Commissioners may levy a special tax not to exceed two (2) mills on the dollar of the taxable property of the county for the purpose of constructing, maintaining and repairing free public bridges; provided, however, that an additional levy for such bridge purposes may be made under conditions as follows: In counties where the total linear feet of bridges or bridge construction is in excess of four thousand (4000) feet and the taxable value of property in said county is Four Million Dollars ($4,000,000.00) or less, the County Commissioners may, if they find such to be necessary, levy one (1) mill in addition to the two (2) mills before herein provided for; in counties where the total linear feet of bridges or bridge construction is in excess of six thousand (6000) feet and the taxable value of property in said county is not less than Four Million Dollars ($4,000,000.00), nor more than Twelve Million Dollars ($12,000,000.00), the County Commissioners may, if they find such to be necessary, levy two (2) mills in addition to the two (2) mills before herein provided for. Such taxes must be levied and collected in the same manner as other taxes, and the money, when collected and paid into the county treasury, must be kept as a special bridge fund, subject to the order of the Board of County Commissioners, to be used in the construction, maintaining and repairing at such places as said board directs; provided such additional special bridge fund herein provided for shall not be transferable to any other fund.

Tax for bridges.

Proviso for additional levy.

Levied and collected as other taxes.

Separate fund.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

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Section 3. In order that this levy may be made upon the taxable valuation of the current year, this Act is hereby deemed and declared an emergency Act and shall be in full force and effect immediately from and after its passage and approval.

Approved March 12, 1931.

CHAPTER 145.

An Act to Amend Sections 19, 20, 105, 134 and 135 of Chapter 89 of the Laws of the Twentieth Legislative Assembly of the State of Montana, Being an Act Revising and Codifying the Banking Laws and Providing for the Incorporation and Regulation of State Banks and Trust and Investment Companies; Providing for the Regulation of Private Banks; the Maintenance of a State Banking Department, Creating a Fund to be Known as the State Examiner's Fund and Prescribing the Qualifications; Duties and Compensation of the State Superintendent of Banks, and of the Deputies and Employees of the Banking Department, and Prescribing a Method for the Liquidation of State Banks, Trust and Investment Companies, and Repealing Certain Sections of the Laws of Montana, Together with Acts Amendatory Thereof, and Providing Penalties for the Violations of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 19 of Chapter 89 of the Laws of the Twentieth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Change of board of directors for State bank.

Section 19. **Change of Board by Directors.** A state bank may increase or diminish the number of its directors at any regular annual meeting, or at any special meeting called and noticed for such purpose, of the stockholders of said bank; provided that the number of directors shall not at any time be less than three (3) nor more than eleven (11). The matter of changing the number of directors may be submitted to any annual meeting of the stockholders without special notice and if two-thirds (2/3) of the total number of shares of the bank shall

Annual stockholders' meeting.

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vote in favor of such change, the result of the vote on the proposal to change, shall be certified to the State Superintendent of Banks for his approval or disapproval. If he shall approve the proposed change and signify the same in writing, the change shall then be effective, but if he shall disapprove the proposition to make said change, his action will be final and conclusive. In case the State Superintendent of Banks shall approve of a change to increase or diminish the number of directors and shall so notify the officers of the bank the order of approval shall be filed with the records and papers of said bank, and the number of directors shall from the date of said approval by the Superintendent of Banks, be in accordance with the vote of the stockholders as herein provided. In any event the Superintendent of Banks must, within thirty (30) days from the receipt of any application, notify the officers of the bank in writing of his action upon the application.

Certified.

Records.

Notice.

Section 2. That Section 20 of Chapter 89 of the Laws of the Twentieth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Section 20. **Dissolution and Disincorporation.** Commercial banks, savings banks, trust companies and investment companies now organized and existing, or which may be hereafter organized, may be dissolved in the manner provided by the laws of Montana applicable to the dissolution of other corporations, except it shall be legal for any bank, upon a vote of two-thirds (2/3) of its stockholders at a special meeting called for that purpose in accordance with the by-laws of the bank, to voluntarily quit business and liquidate upon the payment of its debts, exclusive of liability to stockholders, or upon agreement with all of its creditors to a plan of liquidation, any bank or trust company desiring to thus voluntarily liquidate, shall make application to the State Superintendent of Banks for permission to so liquidate and in addition to complying with the laws of the State of Montana governing the liquidation of corporations, shall comply in all respects with the requirements or rules and regulations of the State Superintendent of Banks governing such voluntary dissolution. Nothing in this section contained shall prevent the State Superintendent of Banks from taking charge of any bank at any time

Dissolution.

May liquidate on payment of debts exclusive of stockholders' liability.

Superintendent may take charge.

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when in his opinion the interest of creditors or stockholders is not being protected, the decision of the Superintendent of Banks in said matters to be controlling.

Section 3. That Section 105 of Chapter 89 of the Laws of the Twentieth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Bonding of employees.

Section 105. **Bonding of Employees.** It shall be the duty of the board of directors of every bank to require that all officers and employees of banks whose duty includes the handling of moneys, notes, bonds, credits and cash items, and whose duties include bookkeeping and/or the making of entries in relation to the business of the bank and its customers, be bonded. The board of directors shall by order duly entered upon the minutes books of the board designate the officers and employees to be bonded and the amount of bonds to be given. Such action as to the personnel and amount and the surety company or sureties to be subject to approval by the State Superintendent of Banks, the bonds to be in such form as shall be provided or approved by the State Superintendent of Banks, the bonds to be approved by the president of the bank and his action reported to the board of directors; all bonds required by this section to be kept in the custody of the bank subject to inspection by examiners from the office of the Superintendent of Banks; provided, as far as possible, they shall not be placed in the custody of the officer or employee for whom the same is given.

Minutes.

Kind of bonds.

Proviso.

Section 4. That Section 134 of Chapter 89 of the Laws of the Twentieth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Claims.

Order of payment.

Section 134. **Claims—Order of Payment—Priorities.** The order of payment of the debts of a bank liquidated by the Superintendent of Banks shall be as follows:

Priorities.

Expenses.

(1) The expense of liquidation, including compensation of agents, employees and attorneys.

Funds of other banks.

(2) All funds of any other bank in process of liquidation by the Superintendent of Banks and placed on deposit by the Superintendent of Banks.

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(3) All funds held by the bank in trust. Trust funds.

(4) Debts due depositors, holders of cashier's checks, certified checks, drafts on correspondent banks, including protest fees, paid by them on valid checks or drafts presented after closing of the bank, pro rata. All deposit balances of other banks or trust companies and all deposits of public funds of every kind and character, (except those actually placed on special deposit under the statutes providing therefor), including those of the United States, the State of Montana, and every county, district, municipality, political subdivision or public corporation of this State, whether secured or unsecured, or whether deposited in violation of law or otherwise, are included within the terms of this subdivision and take the same priority as debts due any other depositor. All contractual liabilities pro rata. Accrued interest on savings accounts, certificates of deposit or other interest bearing contracts, up to the time of the closing of the bank to be considered as part of the debt due. Depositors, etc. Interest.

(5) Interest on all the foregoing classes of claims without regard to the priority computed from the date of closing of the bank at the rate of seven per centum (7%) per annum. Rate of interest.

(6) Unliquidated claims for damages and the like, including claims of stockholders for amounts claimed to have been voluntarily advanced to the bank or paid in by way of special or voluntary or other assessments; provided, however, that the Superintendent may, in his discretion, without regard to the priorities herein fixed in subdivisions 3, 4, 5 and 6 of this section, or in preference to the payment of any claims of creditors within these subdivisions, pay off and discharge any lien, claim or charge against the assets or property of the bank in his hands and pay out and expend such sums as he deems necessary for the preservation, maintenance, conservation and protection of any such assets and property, and likewise property on which the bank has liens by mortgage or otherwise; and he may also, in his discretion create a fund or retain in his hands in preference to the claim of any creditors in the subdivisions above mentioned moneys for the aforesaid purposes. Damage claims. Proviso. Fund.

Collateral which shall have been put up or pledged as security for the payment of bills payable by any bank, Collateral.

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or any loans or discounts which shall have been outstanding as rediscounts of any bank prior to the closing thereof, shall not be available to the other creditors of such bank in whole or in part until such bills payable or rediscounts shall have been retired, after which offsets as in this section provided shall be allowed.

Deposits of any person, firm or corporation in a bank which is in the possession of the Superintendent, may be offset against any indebtedness, (subject to the conditions of the preceding paragraph of this section), except assessments on stock, due to such bank from such person, firm or corporation. All dividends when declared in favor of any creditor of the bank may be applied, in the discretion of the Superintendent, in satisfaction of the indebtedness, if any, due the bank from such creditor.

Dividends.

Section 5. That Section 135 of Chapter 89 of the Laws of the Twentieth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Section 135. **Claims—Partial Payments.** The Superintendent need not await the expiration of the time allowed for filing claims, as fixed in the notice to the creditors, for the payment of dividends, but he may, in his discretion, and if under the circumstances of the particular case he deems it expedient and safe, at any time after taking possession of said bank and prior to the expiration of such period fixed for filing of claims, if he have on hand in cash sufficient funds over and above the expenses of liquidation, make pro rata distribution to any class of creditors next entitled thereto, in the order of priority heretofore fixed, making such payment to said creditors as they appear on the books and records of the bank and determining the priority and basing his apportionment on the amount shown to be due by such books and records. At any time after the expiration of the date fixed for the presentation of claims against said bank and from time to time thereafter, when, in his discretion there are sufficient funds available therefor, the Superintendent shall, after making proper provisions for the payment of expenses of liquidation, declare and pay dividends to all creditors of such bank pro rata in the order of their priority. If, after the time fixed for presentation of claims against the bank has expired, it

Claims.

Pro rata distribution.

After expiration for presentation.

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appears that any person, prior to the expiration of said period, or at any other time, has been paid more than the pro rata amount due him as compared with the amounts then paid other creditors, nothing more shall be paid said creditors until such time as the payment made other creditors shall place them on equal footing. In calculating dividends, all disputed claims and deposits shall be taken into account and the amount of dividends upon such disputed claims or deposits shall be held by the Superintendent until the justice and validity of such claims or deposits shall have been finally determined. Claims against any bank in process of liquidation may be assigned in whole or in part subject to the approval of the State Superintendent of Banks. Assignments of claims shall be binding upon the Superintendent only after the same have been filed and allowed by the Superintendent, but not before, and only then subject to the payment of the assignor's liabilities to the bank. Such assignment shall be made by filing written notice, signed by the original claimant, with the Superintendent or person in charge of said bank. No assigned claims may be offset against obligations due the bank. A check or draft drawn against any bank closed or taken possession of by the Superintendent, whether issued before or after closing thereof, shall not be recognized as a claim against said bank, or as an assignment of any amount, whether protested or not protested.

Pro rata must be equal.

Disputed claims and deposits.

Claims in liquidation.

Assignments.

Notice.

Offsets.

Check drawn on a closed bank.

Section 6. All Acts and parts of Acts are hereby repealed.

Repealing clause.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1931.

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CHAPTER 146.

An Act Providing for a Budget System for Making and Controlling Estimates, Budget Expenditures and Tax Levies by School Districts; Creating a Board of School Budget Supervisors in Each County and Prescribing the Powers and the Duties of Such Boards; Prescribing the Duties of School Trustees, School Clerks and County Officers in Connection with School Budgets, and Providing Penalties for Violations of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. This Act shall apply to all school districts. As used herein the term "board", "trustees" or "school trustees" shall mean the board of school trustees; the term "district" shall mean school district; the term "clerk" shall mean clerk of the school district; and the term "budget board" shall mean the board of school budget supervisors.

Board of School Budget Supervisors.

Clerk.

Section 2. There shall be in each county in the State a board of school budget supervisors which board shall be the board of county commissioners, and such board shall have, exercise and perform the powers and duties granted, imposed and prescribed by this Act. The county superintendent of schools shall be the clerk of such board, and the office of said board shall be in the office of the county superintendent of schools.

Forms of budgets.

Section 3. The county superintendent of each county shall cause a sufficient number of budget forms to be printed for use in such county, which shall be in substantially the following form:

SCHOOL DISTRICT BUDGET AND APPLICATION FOR TAX LEVY.

TO THE BOARD OF COUNTY COMMISSIONERS OF .....COUNTY, MONTANA:

The following budget and application for tax levies is submitted for School District.
No.....for operation of schools for the school year beginning July 1, 19.....

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SECTION I.—GENERAL FUND EXPENSES.

General Fund expenses.

		1. Actual Expenditures Last Completed School Year.	2. Estimated Expenditures Ensuing School Year.	3. Approved Expenditures Current School Year.
1.	General Control; School Officers' Salaries, Election Expenses, Census Expenses, etc.	$	$	$
2.	Salaries of Teachers and Principals			
3.	Stationery, Supplies, Miscellaneous Instruction, Expenses, etc.			
4.	Wages of Janitors, Engineers, etc.			
5.	Fuel, Light, Water, Janitor Supplies, etc.			
6.	Repairs and Upkeep Charges			
7.	Library			
8.	Health and Aid for Indigent Children			
9.	Transportation, Rent and Board for Children			
10.	Insurance, Rent, Pensions			
11.	New Buildings and Alterations (Not financed from sale of Bonds)			
12.	New Equipment (Not financed from sale of Bonds)			
13.	Text Books			
14.	Reserve Cash to Maintain School from July 1 to December 1 following School Year			
15.	TOTALS	$	$	$

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SECTION II.—PROPOSED EXPENDITURES TO BE FINANCED BY SALE OF BONDS:

Proposed expenditures to be financed by sale of bonds.

	1. Actual Expenditures Last Completed School Year.	2. Estimated Expenditures Ensuing School Year.	3. Approved Expenditures Current School Year.
1. New Buildings and Grounds	$.....	$.....	$.....
2. Alterations and Additions to old Buildings	.....	.....	.....
3. New Equipment	.....	.....	.....
4. TOTALS	$.....	$.....	$.....

.....(TRUSTEE)

.....(TRUSTEE)

.....(TRUSTEE)

.....(TRUSTEE)

.....(TRUSTEE)

.....

CLERK OF SCHOOL DISTRICT.

Date of Budget and Application:

.....19.....

Superintendent to insert actual expenditures.

Section 4. During the month of March, in each year, for each school district, the county superintendent of schools shall insert in column 1 of each schedule of the budget form the actual expenditures for each item for the last completed school year, and such county superintendent must, not later than the 10th day of April following, send or transmit such form to such school district, and such county superintendent must make out, on a separate sheet, and send with such budget form, an estimate of the revenues which the school district will probably receive during the ensuing school year, which estimate shall be in substantially the following form:

Estimate of revenues.

Form of Superintendent's estimate.

SCHOOL DISTRICT NO.....

COUNTY SUPERINTENDENT'S ESTIMATE OF REVENUES FOR SCHOOL YEAR ELEMENTARY:

1. State Apportionment, General.....$.....
2. County Apportionment, six (6) to eight (8) mill levy General School Fund..... .....

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3. Common School Equalization Fund..... .....

4. All other Sources, Except Tax Levies.... .....

5. Ten (10) 'mill Special District Levy..... .....

6. ESTIMATED RECEIPTS, GENERAL FUND, FROM ALL SOURCES (Add Lines 1 to 5) .....$.....

Notice of meeting to adopt budget.

Section 5. The county superintendent of schools must, during the month of May, in each year, and before the 31st day of such month, cause a notice to be published one (1) time in the official newspaper of the county, stating that in each school district in the county the board of trustees will meet in regular session on the second Monday in June, at its usual place of meeting, and will at such meeting prepare and adopt a preliminary budget for the next ensuing school year, and that any taxpayer in the district may appear at such meeting and be heard on such preliminary budget.

Adoption of budget at regular meeting.

Section 6. At the regular meeting of the board of trustees of each school district on the second Monday in June such board must consider, prepare and adopt a preliminary budget for the next ensuing school year. Any taxpayer in the district may appear at such meeting and be heard in regard to the preliminary budget or any item or amount proposed to be included therein. Such meeting may be continued from day to day, but not exceeding three (3) days in all; provided, that in first and second class districts such meeting may be continued over a period of not more than five (5) days. When the board has determined the amount necessary to be expended for each item contained in such budget form there shall be entered in column 2 of SECTION I and in column 2 of SECTION II of the budget form the amount proposed to be expended during the ensuing fiscal year for each item contained in such form, and such preliminary budget shall then be signed by a majority of the trustees and the clerk of the district, and the clerk of the district must deliver or transmit such preliminary budget, when so filled in and signed, to the county superintendent of schools on or before the first day of July. If the estimated expenditures set forth in either lines 2 or 4 shall provide for payment of salary or compensation to more than one (1) person, there shall be set forth on a

Taxpayers to be heard.

Continuance.

Enter amount.

Salaries.

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separate sheet but attached to and made a part of such preliminary budget, each position or employment with the salary or compensation to be paid to each person filling the same.

When estimate of revenues falls short.

Section 7. If, after the board of school trustees of any district has adopted the preliminary budget for such district for the ensuing school year, it appears to such board that the amount which will be received from a district ten (10) mill tax levy and from all other sources during such ensuing school year, for the general fund of such district, as shown by the county superintendent's estimate of revenues, will not be sufficient to meet and take care of the expenditures proposed to be made during the ensuing school year from such general fund, as contained in such preliminary budget, the board must determine and make an estimate of the amount of such deficiency and the number of mills of additional levy required to be made to meet and take care of such deficiency, and must call an election, in the manner prescribed by law, for the purpose of obtaining the approval of the qualified electors of the district to the making of such additional levy, and such election must be held before the 1st day of July; provided, however, that if it appears to the board of school trustees of any district at any meeting thereof held prior to the general school election on the first Saturday in April, that a levy in excess of ten (10) mills will be required to maintain the schools in such district during the next ensuing school year, such board of trustees may determine the number of mills so required in excess of ten (10) mills, and may submit the question of such additional levy at the next ensuing general school election.

Approval of qualified electors.

Proviso.

Publish notice of budgets on file.

Section 8. The county superintendent of schools, as clerk of the board of school budget supervisors, between the 10th and 20th days of July, in each year, must publish a notice one (1) time in the official newspaper of the county, stating that the preliminary budgets for all school districts in the county for the ensuing school year, as prepared and adopted by the boards of trustees of such districts, are on file in the office of such county superintendent as clerk of the board of school budget supervisors, and that the same are open to inspection of all taxpayers. Said notice shall also state that the board of school budget supervisors will meet at the office of

Meeting.

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the county superintendent of schools at 10 o'clock A. M. on the 4th Monday in July, for the purpose of considering and fixing and adopting the final budget, and fixing the amount of expenditures which may be made for each purpose, by each school district, which session may be adjourned from day to day until the final adoption of all school district budgets, and that any taxpayer in a school district may appear at such meeting, and at any adjournment thereof, and be heard for or against any part of the budget for his district.

Estimate of receipts and statistics for apportionment.

Section 9. Immediately after the 30th day of June, the county superintendent of schools must attach to the preliminary budget for each school district an estimate of receipts and statistics for apportionment, which shall be in substantially the following form:

ESTIMATE OF RECEIPTS FOR GENERAL FUND AND STATISTICS FOR APPORTIONMENT.

SECTION III.—GENERAL FUND RECEIPTS.

Form and contents.

	Actual Receipts Last School Year.	Estimated Receipts Current School Year.
1. State Apportionment, General	$.....	$.....
2. County Apportionment, from six (6) to eight (8) mill General School Levy	.....	.....
3. Common School Equalization Fund	.....	.....
4. All other Sources, except from Tax Levies	.....	.....
5. TOTALS	$.....	$.....

Census (6 to 21 years).....; Average Daily Attendance last year.....; No. Teachers.....

Treasurer's statement of cash on hand, obligations and bonds outstanding.

Section 10. After the county superintendent has attached such schedule or schedules to the preliminary budget for each school district, and before the 10th day of July, the county treasurer must prepare statements for each school district showing the amount of cash on hand at the close of the last school year, obligations to be met during the current school year, and details of bonds out-

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standing, which statements must be attached to the preliminary budget for such school districts, and which statements shall be substantially in the following form:

INFORMATION TAKEN FROM RECORDS OF COUNTY TREASURER'S OFFICE.

SECTION IV.—CASH ON HAND AND OBLIGATIONS TO BE MET:

1. Cash on hand June 30, General Fund (Including Reserve) .....$.....
2. Cash on hand June 30, Text Book Fund.. .....
3. Cash on hand June 30, Bond Sinking and Interest Funds ....
4. Bond Interest Payable during Current Year ....
5. Bond Principal to be paid or Sinking Fund Requirement this Year..... .....
6. Amount of Registered unpaid Warrants on hand June 30th ....

Form and contents.

SECTION V.—DETAILS OF BONDS ISSUED AND OUTSTANDING:

Amount of Issue	Amount Outstanding	Date of Issue	Date of Maturity	Rate of Interest	Sinking Fund Requirements for Principal for each Year.

.....

County Treasurer.

Certificate showing taxable value of school district.

Section 11. Before the third Monday in July the county clerk shall prepare a certificate for each school district, which the county superintendent shall attach to the preliminary budget for such district, showing the taxable value of the school district, which certificate shall be substantially in the following form:

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COUNTY CLERK'S CERTIFICATE.

I hereby certify that the taxable valuation of School District No.....for the year 19....., exclusive of assessments made by the State Board of Equalization is .....$.....

Taxable Value of Assessment made by State Board of Equalization .....$.....

(If the taxable valuations for the current fiscal year cannot be given the taxable valuations for the fiscal year immediately preceding must be given.) Form and contents.

TOTAL TAXABLE VALUATION.....$.....

I hereby certify that there has been filed with me a certificate of election held on.....19....., at which an additional levy of.....mills was authorized.

.....

COUNTY CLERK.

Section 12. On the fourth Monday in July, at the hour of 10 o'clock A. M., the board of school budget supervisors of each county shall meet in the office of the county superintendent of schools. The county superintendent, as clerk of said budget board, shall lay before the budget board all of the preliminary budgets adopted by the trustees of the several school districts of the county, with the county superintendent's and county treasurer's statements and the county clerk's certificate attached thereto, and said budget board shall proceed to examine and consider such budgets. The board may adjourn its meeting from day to day but must approve and adopt the final budget for each school district and fix and determine the amount to be raised by tax levies for each such school district not later than the second Monday in August and before the fixing of tax levies for such districts. At such meeting, and at all adjournments thereof, any taxpayer in any district may appear before the budget board and be heard on the budget for such district and on any item or amount contained therein. Meeting of Board of Budget Supervisors. Duties of Superintendent. Taxpayer may appeal.

Section 13. At such meeting the budget board shall have the power to make any changes or corrections it may deem necessary or proper in any item or amount contained in SECTIONS I, II, or III of any budget, Changes.

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either by eliminating or striking out any item or amount contained therein, or by increasing or reducing the amount for any item, and when it appears to the budget board that the amount proposed to be expended for any item, as shown by the preliminary budget, is in excess of the amount actually required to be expended for such item, the board must reduce such amount to the amount actually required to be expended therefor; provided, that the budget board must, before making any such change or correction in the preliminary budget of any district, afford the trustees and clerk of the district an opportunity to be heard thereon, and provided further, that if at any such hearing the trustees of any district and the budget board are unable to agree on the amount to be expended for any such item, the board of trustees by majority vote of all members of the board, may finally fix and determine such amount, and the amount so fixed cannot thereafter be changed by the budget board.

Proviso.

Trustees of district to be heard.

If it shall appear to the budget board that the amount which may be raised for the General Fund of any school district by tax levies within the limits prescribed by law and which the board of county commissioners is authorized to levy, when added to the amount of the county superintendent's estimate of receipts for such district, as set forth in SECTION III of the preliminary budget, will not be sufficient to pay the full amount of estimated expenditures for all purposes to be paid from the general fund of the district, as set forth in SECTION I of said preliminary budget, then the budget board must reduce or strike out the amounts proposed to be expended for one (1) or more items, as shown in the preliminary budget, in such manner and to such extent that the total estimated expenditures, as shown in said SECTION I of the preliminary budget, will not exceed the total amount of such estimated receipts and proceeds of the lawful tax levies which may be made for the general fund of the district; provided, that for the purpose of determining for what particular items contained in the preliminary budget the amounts to be expended are to be reduced or stricken out, the budget board may call in and question the members of the board of trustees and the clerk of such district, and in reducing or striking out such amounts the budget board shall be guided, as far as possible by their wishes; provided, further, that

Keep the expenditures within revenues.

Proviso.

Proviso.

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if any contract has been entered into between the board of trustees of any school district and any teacher, principal or other person, by the terms of which contract such teacher, principal or other person has been employed for the school year for which the preliminary budget has been prepared, or when any teacher or principal, by reason of employment during the last school year, is entitled under the provisions of Section 1075, Revised Codes of Montana, 1921, as amended by Chapter 87, Session Laws 1927, to retain his position and salary during the school year for which the preliminary budget was prepared, the board of school budget supervisors must not make any change in any item for salaries or wages which will reduce or in any manner affect the salary or wages of such teacher, principal or other person.

Amounts and limits.

Section 14. When the budget board has determined and fixed the amount which may be expended for each item in the budget of a school district, it shall enter the amount so fixed for each item in column 3, of SECTION I of the budget, and the amount so entered in such column for each item and the total of all amounts so entered in such column shall constitute the final budget and the appropriations for each school district for the current school year, and the board of school trustees and all officers and employees of such district shall be limited in the making of expenditures or incurring of liabilities to the amount of such detailed appropriations, respectively; provided that transfers may be made from the appropriation of one (1) item to the appropriation for any other item, as hereinafter provided; expenditures made, liabilities incurred or warrants issued in excess of any of the final budget detailed appropriations, as originally determined, or as revised by transfer, as hereinafter provided, shall not be a liability of the district and no money of the district shall ever be used for the purpose of paying the same.

Transfers.

Notice to Treasurer for transfer.

Section 15. Whenever it appears to the clerk of any school district that the amount appropriated for any item in the final budget is in excess of the amount actually required to be expended for such item during the year for which such budget was adopted, and that the amount appropriated for any other item in such final budget, and payable from the same fund, is less than the amount which will be actually required for such item during such

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school year, the clerk of such school district may notify the county treasurer in writing to transfer the excess appropriation, or so much thereof as may be necessary, from one (1) item to the item for which the appropriation is deficient, and the county treasurer must thereupon make a transfer of such amount.

Emergencies.

Section 16. The provisions of this Act shall not apply in the case of any emergency caused by the destruction or impairment of any school property necessary for the maintenance of school, or by the entering by a court of competent jurisdiction of a judgment for damages against the district, or by enactment of legislation, after the adoption of any final budget, requiring expenditures not contemplated therein, but the trustees of any district, when any such emergency arises therein, may proceed, in any manner authorized by law, to levy taxes, raise funds, and make expenditures to meet and overcome such emergency.

When appropriations lapse.

Proviso.

When appropriations void.

Claims.

Section 17. All appropriations, other than appropriations for uncompleted improvements in progress of construction, shall lapse at the end of the school year; provided that appropriation accounts shall remain open for a period of twenty (20) days thereafter for the payment of claims incurred against such appropriations prior to the close of the school year and remaining unpaid. After such period shall have expired all appropriations, except as hereinbefore provided regarding uncompleted improvements, shall be null and void and any lawful claim presented thereafter against any such appropriation shall be provided for in the next ensuing budget.

Statement of board for tax levies.

Section 18. After the budget of each district has been completed, approved and finally adopted, the budget board shall prepare a statement and attach the same to such budget, showing the amounts necessary to be raised by tax levies in such district, which statement shall be substantially in the following form:

SUMMARY OF REQUIREMENTS.

SECTION VI.—MAINTENANCE OF SCHOOLS.

1. Requirements for all schools, current school year .....$.....
(Line 15 SECTION I)

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Form and contents of summary of requirements.

2. Registered Warrants per Treasurer's statement ....

3. TOTAL (Add lines 1 and 2)..... .....

4. Cash on hand as per Treasurer's Statement .....$.....

5. General Fund receipts, as estimated..... ..... (Line 5 SECTION III.)

6. TOTAL (Add lines 4 and 5).....$.....

AMOUNT TO BE RAISED BY SPECIAL LEVY, GENERAL FUND.....$..... (Subtract line 6 from line 3)

NUMBER OF MILLS TO BE LEVIED FOR DISTRICT GENERAL FUND.....$.....

SECTION VII.—BOND SINKING AND INTEREST FUNDS:

Bond sinking and interest funds.

1. Amount to be raised for Sinking and Interest Fund, or Principal of Bonds to be paid Current Year .....$.....

2. Amount of Bond Interest to be paid Current Year ....

AMOUNT TO BE RAISED BY SPECIAL LEVY BOND SINKING AND INTEREST FUND (Add lines 1 and 2)....$.....

NUMBER OF MILLS TO BE LEVIED FOR BOND SINKING AND INTEREST FUND ....

County Commissioners to fix tax levy.

Section 19. The county superintendent of schools, as clerk of the school budget board, shall, when the board of county commissioners meets on the second Monday in August for the purpose of fixing tax levies, lay before such board the budgets for all school districts in the county, as finally adopted and approved by the school budget board, and the board of county commissioners shall, for each district, fix such number of mills of the tax levy for each fund, within the limits prescribed by law, as will produce the amount shown by the final budget to be raised by tax levy.

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Record.

Section 20. After the final budget for each school district has been approved and adopted by the budget board, the county superintendent as clerk of such board shall file such final budget in the office of the budget board, and shall make a full and complete copy thereof and transmit said copy to the State Superintendent of Public Instruction on or before the 1st day of September. And the county superintendent shall, before the 1st day of September, send to the board of school trustees of each school district, and deliver to the county treasurer, a copy of so much of the final budget for such district, as approved and adopted by such budget board, as shows the different items for which appropriations were approved by such budget board and the amount of the appropriation approved for each such item.

Copies to State Superintendent.

Trustees and Treasurer.

Treasurer's book accounts.

Section 21. When the county treasurer has received from the county superintendent, as clerk of the budget board, a copy of so much of the budget for each school district as shows the items and appropriations approved by the budget board, as provided in Section 20, the county treasurer shall open an account on his books with each school district for which a final budget was adopted, and shall enter in such account each item for which any appropriation was made in such final budget and the amount appropriated therefor. If the clerk of any school district shall direct the county treasurer to transfer any amount from one (1) item of the final budget to another item of such budget, as authorized in this Act, the county treasurer shall make such entries in the account of such school district as will show such transfer.

Transfers.

Warrants.

Section 22. The clerk of each school district must issue all warrants drawn against any fund of the district in triplicate, and each thereof shall show on its face the particular item appropriation as set forth in the final budget, against which the warrant is drawn. The original warrant shall be delivered to the person entitled thereto; the duplicate, across the face of which shall be printed or endorsed "Not Negotiable—Copy for County Treasurer", shall be mailed to the county treasurer immediately after the original has been drawn and signed; and the triplicate, across the face of which shall be printed or endorsed "Not Negotiable—Copy for Clerk of School District", shall be retained by the clerk of the school district as a receipt for such disbursement.

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Duty of Treasurer regarding warrants.

Section 23. Immediately on receiving the duplicate of any warrant issued by any school district the county treasurer shall enter in the account for such school district, under the proper item of appropriation, the amount of such warrant and the number thereof, so that each item of appropriation for such school district will, at all times, show the amount of the unexpended appropriation made therefor in the final budget.

Over issue.

Whenever the account of any school district shows that the amount appropriated for any item by the final budget has been exhausted, or that the amount for which any warrant has been drawn is greater than the unexpended balance appropriated for such item, the treasurer must note such fact on the account when entering the amount of such warrant in such account, and must not pay the original warrant, or register the same, when presented to him, but he shall endorse across the face thereof the "Payment and Registration Refused Account Insufficient Appropriation" and return the same to the person presenting it for payment or registration.

Notice to Clerk.

Whenever it appears to the county treasurer, after entering the amount of any warrant in the account of any school district, that the item appropriation against which the warrant is issued is so nearly exhausted that the issuance of any additional warrant or warrants against the same will exhaust or exceed such appropriation, the treasurer shall immediately notify the clerk of the school district of such condition and that no warrant must be issued by such clerk against such appropriation item which will exceed the unexpended balance of the appropriation therefor.

Joint districts.

Section 24. In the case of a joint school district when all of the schools are located in one (1) county, the county superintendent, the board of school budget supervisors and the county treasurer of the county in which the school or schools of the district are located, shall be the county superintendent, the budget board and the county treasurer to perform the duties imposed by this Act with reference to the budgets for such joint districts. When schools of a joint district are located in both counties the superintendent of schools, the budget board of the county and the county treasurer to perform the duties imposed by this Act with reference to the budget for

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such joint district shall be designated by the State Superintendent of Public Instruction.

Tax for joint districts.

The board of county commissioners of the county in which the school budget board adopts and approves the budget for a joint school district, shall make and fix all of the tax levies for the whole of such joint district for the year for which the budget has been adopted and approved, and the county clerk of such county shall, immediately after the tax levies have been so fixed and made, certify, under his hand and seal, to the county clerk of every other county in which any part of the joint district is situated, the number of mills levied for each fund for such joint district, and taxes for such joint district in each of such counties shall be computed on such levies by such county clerks.

Supervision of State Superintendent.

Section 25. The State Superintendent of Public Instruction shall have general supervision over the enforcement of the provisions of this Act, and shall have the power and it shall be the duty of such superintendent to adopt and promulgate suitable and proper rules and regulations to secure such enforcement and to require compliance therewith. The State Superintendent of Public Instruction, shall, whenever it is deemed necessary to secure proper enforcement of the provisions of this Act, make such changes as may be deemed necessary in any of the forms, statements or schedules contained in this Act, and shall furnish each county superintendent with a copy of all such forms and statements, and it shall be the duty of each county superintendent to cause a sufficient number of such forms to be printed for use in the county.

Handling of forms.

No additional fund or tax levy.

Section 26. This Act shall not be construed to create any new fund or funds or to authorize a tax levy to be made for any fund in excess of the limitation now prescribed by existing law, or acts amendatory thereof.

Repealing clause.

Section 27. All Acts and parts of Acts in conflict herewith are hereby repealed.

When in force.

Section 28. This Act shall be in full force and effect from and after its passage and approval; provided, however, that all budgets, adopted by school districts for the fiscal year ending June 30, 1931, shall continue in full force and effect until the close of such fiscal year.

Approved March 14, 1931.

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CHAPTER 147.

An Act to Amend Sections 1088, 1089, 1090, 1091, 1092, 1094, 1095, 1098, 1099, 1101, 1102, Revised Codes, 1921, as Amended by Chapter 131 of the Session Laws of 1923, Relating to Granting of Teachers' Certificates, Qualification to Teach, State and County Examinations, and Repealing Section 1093 and Section 1103 Revised Codes, 1921, as Amended by Chapter 131, Laws of 1923.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1088 Revised Codes, 1921, as amended by Chapter 131, Session Laws of 1923, be, and the same is hereby amended to read as follows:

Section 1088. **Examinations and Certificates—Certificates of Qualification Required of Teachers.** Qualifications for certificates to teach.

1. No certificate to teach in the public schools of Montana shall be granted to any person who is not a citizen of the United States. Citizen.

2. No person is eligible to teach in any public school in this State, or to receive a certificate to teach, who has not attained the age of eighteen (18) years and who has not secured and presented to the certification authority a satisfactory health certificate from a reputable physician. Eighteen years of age and health certificate.

3. No person shall be accounted a qualified teacher within the meaning of the school law who has not first secured from the certificating authority a certificate setting forth his qualifications to teach in the public schools of Montana. Certificate of qualification from proper authority.

4. All certificates before they shall be valid in any county must be registered in the office of the county superintendent of schools of such county within ten (10) days after the term of service of any teacher begins. Not more than ten (10) days' salary shall be paid any teacher for services rendered previous to the registration of such certificate. Registered. Salary in advance of certificate.

Section 2. That Section 1089 Revised Codes, 1921, as amended by Chapter 131, Session Laws of 1923, be, and the same is hereby amended to read as follows:

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State Board of Educational Examiners.

Section 1089. **The State Board of Educational Examiners.**

Creation of board.

1. There is hereby created a State Board of Educational Examiners, whose duty it shall be to provide rules and regulations for the issuance of all teachers' certificates obtained by examination or endorsement. Such rules and regulations shall be subject to the approval of the State Board of Education. The State Board of Educational Examiners shall prepare the questions for teachers' examinations, provide the necessary assistance and oversee the marking and grading of papers.

Members.

2. This Board of Educational Examiners shall be composed of the Superintendent of Public Instruction, who shall be ex-officio chairman of the board, one member from the faculty of one of the component institutions of the University of Montana, one county superintendent of schools, one high school principal, and one district superintendent, who have been residents of the State for not less than three (3) years, all four to be elected by the State Board of Education upon the nomination of the Superintendent of Public Instruction at the April meeting of the board.

Service and pay.

3. All appointments shall be for two (2) years except two of the first appointments, which two shall be for one (1) year. All vacancies shall be filled for the unexpired term. The members shall serve without pay except for necessary expenses and any bills incurred by them must be paid out of the moneys received as fees for certificates.

Section 3. That Section 1090, Revised Codes of 1921, as amended by Chapter 131, Session Laws of 1923, be, and the same is hereby amended to read as follows:

County Board of Educational Examiners.

Section 1090. **County Board of Educational Examiners.**

How constituted.

1. How constituted. In each county there shall be a board of county examiners composed of the county superintendent of schools, who shall be ex-officio chairman of the board, and two (2) competent persons recommended by the county superintendent, appointed by the board of county commissioners, who at the time of their appointment shall be residents of the county and who

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shall have been actively engaged in teaching for a period of at least eighteen (18) months. Two members of this board shall constitute a quorum for the transaction of business. If vacancies occur in these positions during the terms for which their incumbents were appointed, their successors shall be appointed to serve during the unexpired terms only. Upon the expiration of the regular terms of either of these examiners his successor shall be appointed to serve for two (2) years.

Qualifications.

2. Qualifications. Such examiners at the time of their appointment must be holders of the equivalent of Montana first grade certificates, state certificates, or life certificates or diplomas from the units of the Greater University of Montana, or holders of diplomas as graduates from some standard university, college or normal school other than those of Montana.

Duties.

3. Duties. The duties of these two (2) examiners shall be to act jointly and equally with the county superintendent in the matter of conducting the examination of teachers when requested so to do by the county superintendent. This board of examiners shall also conduct all eighth grade examinations in their respective counties when requested to do so by the State Board of Education under their rules and regulations; and it shall be empowered to grant eighth grade diplomas or common school certificates to all examinees successfully passing such examinations.

Compensation.

4. Compensation. The compensation of these examiners shall be their actual traveling expenses from their residences to and from the county seat or other point in the county where the examinations are held, and such further compensation per diem as the board of county commissioners may deem just and sufficient for their services, basing such compensation upon the actual quality of work performed by them and the actual time required to perform it. Such claims shall have the approval of the county superintendent of schools.

Section 4. That Section 1091, Revised Codes of 1921, as amended by Chapter 131, Session Laws of 1923, be, and the same is hereby amended to read as follows:

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Section 1091. **Teacher's Examinations.**

Teachers' examinations.

1. The county board of educational examiners shall hold public examinations of all persons offering themselves as candidates for certificates to teach at the county seat, on the first Thursday and Friday of May and September of each year, and, when necessary, such examinations may be continued on the following day, at which time the board shall examine such candidates by a series of written or printed questions, according to rules prescribed by the State Board of Educational Examiners. Whenever, in the judgment of the State Board of Educational Examiners it seems advisable to conduct another examination in addition to those of May and September, an additional examination may be provided by said board. The questions prepared by the State Board of Educational Examiners, when received by the county superintendent, shall not be opened or the seal thereof broken until the day of examination and then in the presence of the applicants. And the county superintendent is prohibited from furnishing or giving to any person or persons any information concerning the questions prepared by the State Board of Educational Examiners. Upon the completion of the examination, all papers written by the several applicants, together with statements covering such points in the candidates' preparation and experience as the State Board of Educational Examiners may require and personal information or recommendations by the county board of educational examiners, shall be forwarded at once to the State Board of Educational Examiners for grading.

How conducted.

Sealed questions.

No information.

Grading.

Private examinations.

2. Private Examinations. If the attendance upon any examination of teachers at the county seat shall work a great hardship on any teacher in the county, the county superintendent, upon the approval of the State Superintendent, may provide for such teachers to take the examination at some convenient place, and the county superintendent may appoint some suitable person to conduct such examiantion, under the rules and regulations prescribed by the State Board of Educational Examiners.

Grading of papers.

3. Grading of Papers. If the percentage of correct answers is not less than seventy per centum (70%) in any one branch, with a general average of eighty per centum (80%), and other evidence disclosed by the ex-

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amination including particularly the state board's knowledge and information of the candidate's scholarship and successful experience, indicates that the applicant is a person of good moral character and possesses ability to manage, and fitness to teach in the public schools of the State the various branches required by law, said state board shall grant to such applicant a certificate of qualification.

Section 5. That Section 1092, Revised Codes of 1921, as amended by Chapter 131, Session Laws of 1923, be, and the same is hereby amended to read as follows:

Section 1092. **Certificates—Kinds.**

Kinds of certificates.

1. Second Grade. To secure a second grade certificate no experience is required. Applicants for this grade must present evidence of good moral character and physical health and shall pass an examination in the following branches and such additional branches as may hereafter be prescribed by the State Board of Educational Examiners with the approval of the State Board of Education: reading, writing, arithmetic, spelling, grammar, geography, hygiene, United States history (including Montana history and current events), civics (state and federal), agriculture, methods of teaching, school management, American literature, public school music and fine and industrial arts. Permanent credits from the units of the Greater University of Montana may be accepted in particular subjects in lieu of examination in said subjects. This certificate shall be valid in grades one (1) to eight (8) inclusive for a period of twenty-four (24) months, and on being endorsed and registered in the office of the county superintendent, shall be valid in any county in the state.

Second grade qualifications and subjects.

First grade qualifications and subjects.

2. First Grade. To secure a first grade certificate, the applicant must present evidence of good moral character and physical health, must have had twelve months' successful experience as a teacher and must in addition to the branches required for a second grade certificate, pass an examination in educational psychology, economics, school law and principles of education. Permanent credits from the units of the Greater University of Montana may be accepted in lieu of examination in these subjects. This certificate shall be issued for a period of four (4) years and shall be valid in grades one to eight inclusive

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in any county in the State upon being endorsed and registered in the office of the county superintendent.

Temporary certificates.

3. Temporary Certificates. When a teacher shows special fitness to teach and passes at the examination seventy per centum (70%) or above in all subjects but fails to make an average of eighty per centum (80%), or secures an average of eighty per centum (80%) for all branches, but fails to make seventy per centum (70%) in one or two branches, such teacher may, at the discretion of the State Board of Educational Examiners, be issued a temporary certificate to teach until the next regular examination; and at such examination no teacher shall be required to be examined in any branch in which he has obtained a grade of eighty per centum (80%) in the aforementioned examination. Such temporary certificate shall not be issued to any teacher more than once.

When permits may be issued.

4. Permits. When regularly certificated teachers cannot be secured, the State Board of Educational Examiners may grant a permit to teach until the next regular examination to any person applying at any other time than at a regular examination, and who has previously held a valid certificate to teach, or who meets the minimum academic and professional prerequisites in effect when application is made, but such permit shall not be granted more than once to any person; provided, (1)

Proviso.

that when it is impossible because of sickness or other valid reasons for such teacher to attend the next regular examination, such teacher shall certify the facts to the State Board of Educational Examiners, together with the approval of the county superintendent of schools, and this board may issue a second permit valid until the next regular examination; provided (2) that the State

Proviso.

Board of Educational Examiners shall be authorized to provide special examinations for persons who do not or cannot take the regular examinations for the reasons stated above in which case the duration of the permit may be extended only until the time of said special examination, for which examination an extra fee of one dollar ($1.00) above the regular fee shall be paid into the state teachers' certificate fund.

Elementary State certificates. By examination.

5. Elementary State Certificates — Qualifications— How Obtained. (a) By Examination. An elementary state certificate, valid in grades one (1) to nine (9) in-

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clusive, may be issued for a period of six (6) years by the State Board of Educational Examiners to any person of good moral character and in good physical health, who has ninety-six quarter credits of approved academic and professional preparation taken in a standard higher educational institution, and who has held for one (1) year and still holds a Montana professional certificate in full force and effect, when such person passes a satisfactory examination under the direction of the State Board of Educational Examiners in English literature, history of education and modern history, and who has furnished satisfactory evidence of having taught successfully for thirty-five (35) months. Permanent credits in these subjects from the units of the Greater University of Montana may be accepted in lieu of examination in said subjects. Provided, that the elementary state certificate by examination may also be issued to the holder of a Montana first grade certificate, newly issued after September 1, 1924, or the equivalent of such certificate, when such person takes and passes successfully the examinations prescribed above in English literature, history of education and modern history, and meets the other prerequisites prescribed above.

Qualifications.

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(b) By Endorsement. (1) Recognition of Certificates Issued by Units of the Greater University of Montana. A diploma of the Montana State Normal College at Dillon, or the Eastern Montana Normal School at Billings, or any other normal school that may hereafter be established under the control of the State Board of Education, shall constitute an elementary state certificate, valid for six (6) years from date in grades one (1) to nine (9) inclusive. A list of graduates receiving such certificates shall be filed in the office of the Superintendent of Public Instruction by the Chancellor of the University of Montana within thirty (30) days of issuance of said certificates.

By endorsement.

University or schools of higher learning in Montana.

(2) Credentials From Other Institutions. An elementary state certificate may be issued by the State Board of Educational Examiners to a graduate of any standard normal school or other higher educational institution within or without the State in accordance with regulations established by said board and approved by the State Board of Education, provided that such regulations shall not authorize the issuance of an elementary

Other credentials.

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state certificate to a graduate of any institution whose requirements for graduation are not substantially equivalent to those of the corresponding institution of the University of Montana, nor shall such certificate be issued to any such graduate whose preparation and professional courses are not equivalent to those required for the issuance of the elementary state certificate from the corresponding institution of the University of Montana.

Temporary elementary State certificates.

(c) Temporary Elementary State Certificates. The Superintendent of Public Instruction may grant a temporary elementary state certificate at any time to any teacher whose experience, qualifications and credentials meet the legal requirements for an elementary state certificate prescribed herein. Such temporary elementary state certificate shall be valid in grades one (1) to nine (9), inclusive, in any county of the State for a period of one (1) year; provided, however, that the holder of such certificate shall have it duly registered in the office of the county superintendent of schools in the county in which he is employed to teach before he begins teaching.

Elementary life certificates.

6. Elementary Life Certificates—How Obtained. (a) Based on elementary state certificates obtained by examination or endorsement of credentials from units of the Greater University of Montana. Such candidates for elementary life certificates must be holders of elementary state certificates in full force and effect, and must present satisfactory evidence of at least thirty-six (36) months of successful teaching experience in Montana during the life of a Montana elementary state certificate, and satisfactory evidence of having secured eight quarter credits of approved academic and professional training obtained subsequent to the issuance of the elementary state certificate. This advanced professional and academic training must be taken in a fully accredited higher institution that meets the approval of the State Board of Educational Examiners.

Credentials of Montana institutions.

Experience.

Credentials from other institutions.

(b) Based on elementary state certificates obtained by endorsement of credentials from other institutions within or without the State. Such candidates for elementary life certificates must be holders of elementary state certificates in full force and effect, and must present satisfactory evidence of at least thirty-six (36) months

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of successful teaching experience (experience obtained on a Montana temporary state certificate may not be counted) in Montana during the life of a Montana elementary state certificate, and satisfactory evidence of having secured eight quarter credits of approved academic and professional training obtained subsequent to the issuance of the elementary state certificate. This advanced professional and academic training must be taken in a fully accredited higher institution that meets the approval of the State Board of Educational Examiners. Experience.

7. Secondary State Certificates — How Obtained— Qualifications. Secondary State certificates.

(a) Recognition of credentials issued by units of the Greater University of Montana. A certificate of qualification to teach, issued either by the Montana State University or the Montana State College of Agriculture and Mechanic Arts, under regulations established by the Chancellor of the University and the Montana State Board of Education, shall constitute a secondary state certificate, valid for six (6) years from date in grades six (6) to twelve (12), inclusive, in the public schools of Montana. A list of graduates receiving such certificates shall be filed in the office of the Superintendent of Public Instruction by the Chancellor of the University of Montana within thirty (30) days of the issuance of such certificates. Credentials of Greater University.

(b) Credentials Presented From Any Standard Institution Within or Without the State. A secondary state certificate may be issued by the State Board of Educational Examiners to a graduate of any standard, four-year, fully accredited college or university within or without the State in accordance with regulations established by the State Board of Educational Examiners and approved by the State Board of Education. Such regulations shall require a standard bachelor's degree with at least fifteen semester credits in education or professional courses; provided, that such regulations shall not authorize the issuance of a secondary state certificate to a graduate of any institution whose requirements for graduation are not substantially equivalent to those of the corresponding institution of the University of Montana, nor shall such certificate be issued to any such graduate whose preparation and professional courses are Credentials from standard institutions.

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not equivalent to those required for the issuance of the secondary state certificate from the corresponding institution of the University of Montana.

Temporary secondary State certificates.

(c) Temporary Secondary State Certificates. The superintendent of public instruction may grant a temporary secondary state certificate at any time to any teacher whose experience, qualifications and credentials meet the legal requirements for a secondary state certificate prescribed herein. Such temporary secondary state certificate shall be valid in grades six to twelve, inclusive, in any county of the State for a period of one year; provided, however, that the holder of such certificate shall have it duly registered in the office of the county superintendent of schools in the county in which he is employed to teach before he begins teaching.

Secondary life certificates.

8. Secondary Life Certificates—How Obtained. (a) Based on certificates of qualification to teach issued by units of the Greater University of Montana. Such candidates for secondary life certificates must be holders of

Certificates of Greater University of Montana.

secondary state certificates in full force and effect, and must present satisfactory evidence of at least thirty-six months of successful teaching experience in Montana during the life of a Montana secondary state certificate, and satisfactory evidence of having secured eight quarter credits of approved academic and professional training obtained subsequent to the issuance of the secondary state certificate. This advanced professional and academic training must be taken in a fully accredited higher institution that meets the approval of the State Board of Educational Examiners.

Credentials from within or without State.

(b) Based on secondary state certificates obtained by endorsement of credentials from institutions within or without the State. Such candidates for secondary life certificates must be holders of secondary state certificates in full force and effect, and must present satisfactory evidence of at least thirty-six (36) months of successful teaching experience (experience obtained on a Montana temporary state certificate may not be counted) in Montana during the life of a Montana secondary state certificate, and satisfactory evidence of having secured eight quarter credits of approved academic and professional training obtained subsequent to the issuance of the secondary state certificate. This advanced professional

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and academic training must be taken in a fully accredited higher institution that meets the approval of the State Board of Educational Examiners.

Montana secondary state and Montana secondary life certificates shall be valid in grades six (6) to twelve (12), inclusive, of the public schools of Montana, and said certificates may have their jurisdiction extended to grades one to five, inclusive, by meeting the specialized preparation to be prescribed by regulations established by the State Board of Educational Examiners. Where valid.

9. Special Certificates. Upon the request of any board of school district trustees or its representatives or any county superintendent of schools, the Superintendent of Public Instruction in accordance with regulations established by the State Board of Educational Examiners, may grant, without examination, a special certificate valid only in the district requesting the same, in music, art, public speaking, physical education, penmanship, manual training, home economics, agriculture, commercial and kindred subjects, first three-year primary and kindergarten grades, to any teacher who presents satisfactory evidence of special proficiency for teaching the above subjects, as shown by acceptable certificates or other credentials held by such teacher; provided, that such special certificate shall be valid for only one year, and shall entitle the holder to teach only such special subjects as are stated in said certificate; provided that if the applicant continues teaching in the same district more than one year, upon the renewed application to the State Board of Educational Examiners said special certificate may become valid during the term of service in the same district. Special certificates. Proviso. Proviso.

10. Certificates in Applied Music. A certificate in applied music may be issued by examination or endorsement under regulations established by the State Board of Educational Examiners and approved by the State Board of Education. The field or fields of applied music which the holder of said certificate is qualified to teach, as determined by examination or recognized credential, shall be stated on the face thereof. Such certificates shall be temporary, valid for one (1) year, and three (3) year certificates, and shall be valid in such grades of the public schools as may be provided by said regulations. Certificates in applied music.

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Section 6. That Section 1094, Revised Codes of 1921, as amended by Chapter 131, Session Laws of 1923, be, and the same is hereby amended to read as follows:

Academic and professional preparation.

Section 1094. **Academic and Professional Preparation Required as Prerequisite for Issuance of Certificates.** From and after September 1, 1924, the minimum academic and professional preparation for the issuance of any certificate listed in the foregoing sections shall be graduation from a four-year accredited high school or its equivalent, and twelve quarter credits of professional training as defined in regulations to be established by the State Board of Educational Examiners. After September 1, 1926, this minimum of academic preparation shall be graduation from a four-year accredited high school or its equivalent and twenty-four quarter credits of approved academic and professional preparation; and from and after September 1, 1929, said minimum shall be four (4) years of high school preparation, or its equivalent, and forty-eight quarter credits of approved academic and professional preparation; and from and after September 1, 1934, said minimum shall be four (4) years of high school preparation or its equivalent and seventy-two quarter credits of approved academic and professional training; and from and after September 1, 1936, said minimum shall be four (4) years of high school preparation, or its equivalent, and ninety-six quarter credits of approved professional and academic training; provided, in individual emergency cases, the State Board of Educational Examiners, with the consent of the State Board of Education, may grant an extension of time to meet the minimum requirements.

Section 7. That Section 1095, Revised Codes of 1921, as amended by Chapter 131, Session Laws of 1923, be, and the same is hereby amended to read as follows:

Fees for certificates.

Section 1095. **Fees and Funds.** 1. Fees For Certificates. Applicants for any of the following certificates shall pay into the State Certification Fund fees as follows: permit, one dollar ($1.00); second grade, one dollar ($1.00); first grade, two dollars ($2.00); elementary state by examination, five dollars ($5.00); elementary or secondary state by endorsement, six dollars ($6.00); (three dollars ($3.00) for temporary and an additional three dollars ($3.00) when six-year state is granted); elementary or secondary life certificate, five dollars

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($5.00). The fee for any type of administrator's temporary certificate shall be three dollars ($3.00); for any type of administrator's state certificate, six dollars ($6.00), whether candidate has held a temporary or not; and for any type of administrator's life certificate, five dollars ($5.00). Fees for renewal of these certificates are the same as for the original certificates.

2. State Teachers' Certificate Fund. All fees collected for certificates by the county superintendent, Superintendent of Public Instruction and the State Board of Educational Examiners shall be deposited with the State Treasurer and kept in a fund to be known as the State Teachers' Certificate Fund, and no claim shall be paid from this fund except upon warrants drawn by the State Auditor upon claims approved by the State Board of Examiners and the Superintendent of Public Instruction.

State teachers' certificate fund.

Section 8. That Section 1098, Revised Codes of 1921, as amended by Chapter 131, Session Laws of 1923, be, and the same is hereby amended to read as follows:

Section 1098. **Renewals.** Before the expiration of any state, professional or first grade certificate, such certificate may be renewed by the State Board of Educational Examiners, upon the proper fee being paid into the State Teachers' Certificate Fund, as provided for in Section 1095 of this chapter and in the regulations established by the State Board of Educational Examiners with the approval of the State Board of Education; provided, (1) that no elementary or secondary state certificate shall be renewed unless said applicant shall have taught successfully thereon for eighteen (18) months during the life of said certificate, but renewal when made shall be for a period of six (6) years from the date of renewal; and provided (2) that no professional or first grade certificate shall be renewed unless the applicant shall have taught successfully at least twelve (12) months during the life of such certificate, and provided (3) that the State Board of Educational Examiners may require evidence of the accomplishment of a minimum amount of professional improvement as a prerequisite for the renewal of any certificate and provided (4) that there shall be no limit to the possible number of renewals.

Renewal of certificates

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Section 9. That Section 1099, Revised Codes of 1921, as amended by Chapter 131, Session Laws of 1923, be, and the same is hereby amended to read as follows:

Transfer of grades from lower to higher certificates.

Section 1099. **Transfer of Grades from Lower to Higher Certificates.** Whenever application is made by a holder of an unexpired professional, first or second grade certificate, for examination for a higher grade certificate, and it shall be made to appear to the State Board of Educational Examiners that such applicant has been engaged in teaching successfully in any of the schools of the state, for a period of seventeen (17) months or more during the life of a professional certificate, or for a period of twelve (12) or more months during the life of a first or second grade certificate, the applicant shall be entitled to have credited on such higher certificate all grades of eighty per centum (80%) or above appearing on the unexpired certificate and shall not be required to be examined in any studies except the additional ones prescribed for such higher certificates and such studies listed upon his unexpired certificate showing a grade lower than eighty per centum (80%).

Additional requirements.

All applicants seeking a higher grade of certificate as herein prescribed shall also be subject to the academic requirements prescribed in section 1094 of this chapter after the dates stipulated therein.

Section 10. That Section 1101, Revised Codes of 1921, as amended by Chapter 131, Session Laws of 1923, be, and the same is hereby amended to read as follows:

Certificates now in force.

Section 1101. Nothing in this chapter shall be construed to affect, curtail or abridge the term, rights or privilege to teach, supervise or administer in the schools of Montana, possessed by any person or persons under the provisions of certificates issued by the State of Montana to said person or persons to teach, supervise or administer in the schools of Montana, if said certificates are in full force and effect, July 1, 1931. Neither shall any provision in this chapter be construed to prevent the holder of one of said certificates from qualifying for the position of supervisor or administrator in the schools of Montana, provided he was entitled to do so under the provisions of said certificate, and provided said certificate is kept in full force and effect.

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Section 11. That Section 1102, Revised Codes of 1921, as amended by Chapter 131, Session Laws of 1923, be, and the same is hereby amended to read as follows:

Section 1102. **Training of Teachers—No Discrimination Against Montana Trained Teachers.** No certificate regulation shall be made requiring higher standards for Montana trained teachers than are required of teachers coming into Montana, but who were trained elsewhere.

Same training of teachers within or without State.

Section 12. That Section 1093, Revised Codes of 1921, as amended by Chapter 131, Session Laws of 1923, be, and the same is hereby repealed.

Section 13. That Section 1103, Revised Codes of 1921, as amended by Chapter 131, Session Laws of 1923, be, and the same is hereby repealed.

Repealing clauses.

Section 14. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 14, 1931.

CHAPTER 148.

An Act to Establish a Uniform Code of Laws Relative to High Schools as a Part of the Public School System of the State of Montana and to Repeal all Acts and Parts of Acts in Conflict Herewith and Particularly to Repeal Sections 981, 982, 983, 984, 1009, 1058, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1103, 1154, 1155, 1156, 1262, 1263, 1264, 1265, 1266, as Amended by Section 1 of Chapter 94 of the Session Laws of 1927; 1267, as Amended by Section 2 of Chapter 94 of the Session Laws of 1927; 1268, 1269, 1270, as Amended by Section 3 of Chapter 94 of the Session Laws of 1927; 1271, as Amended by Section 1 of Chapter 127 of the Session Laws of 1923 and by Section 1 of Chapter 48 of the Session Laws of 1929; 1272, 1273, 1274, 1275 as Amended by Section 1 of Chapter 69 of the Session Laws of 1923 and by Section 1 of Chapter 107 of the Session Laws of 1925 and by Section 1 of Chapter 46 of the Session Laws of 1929; 1276, as Amended by Section 1 of Chapter 29 of the Session Laws of 1929; 1278, 1279, 1280 as

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Amended by Section 1 of Chapter 19 of the Session Laws of 1923; 1281, as Amended by Section 1 of Chapter 132 of the Session Laws of 1927, and as Amended by Section 1 of Chapter 107 of the Session Laws of 1929; 1282, as Amended by Section 2 of Chapter 19 of the Session Laws of 1923, and by Section 1 of Chapter 102 of the Session Laws of 1925; 1294, as Amended by Section 1 of Chapter 126 of the Session Laws of 1923, and by Section 1 of Chapter 1 of the Session Laws of 1929; 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1310a, 1310b, 1310c, 1312, 1313, 1314, 1315, 1316 and 1317 of the Revised Codes of Montana of 1921, and Sections 3 and 4 of Chapter 19 of the Session Laws of 1923, Section 3 of Chapter 109 of the Session Laws of 1929, Chapter 10 of the Session Laws of 1925, Chapter 96 of the Session Laws of 1925, Chapter 117 of the Session Laws of 1927, Chapter 152 of the Session Laws of 1925, Chapter 125 of the Session Laws of 1923, and Chapter 129 of the Session Laws of 1923, Saving However all Acts Done and Proceedings Taken and Had Under the said Last Mentioned Chapter, the Repeal Thereof Notwithstanding.

Be it enacted by the Legislative Assembly of the State of Montana:

TITLE I

Definitions.

DEFINITIONS

CHAPTER 1.

High school defined.

Section 1. **High School Defined.** A high school is a public school as defined in the general school laws and is an integral unit of the public school system which comprises some one or more of the grades of school work intermediate between the elementary schools and the institutions of higher education of the State of Montana, and which has its own administrative head and corps of teachers under the direct supervision either of a district superintendent and the board of trustees of a school district, or of a county high school principal and board of trustees of such county high school, as the case may be.

Junior high school defined.

Section 2. **Junior High School Defined.** A junior high school is a public school as defined in the general school laws and is an integral unit of the public school system which comprises what is ordinarily designated as the

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work of the seventh, eighth and ninth grades of the school system and which has its own administrative head and corps of teachers under the direct supervision of the district superintendent and board of trustees of the school district.

TITLE II

COUNTY HIGH SCHOOLS

CHAPTER 1.

County high schools.

TRUSTEES

Section 3. **Board of Trustees of County High Schools.** Every county high school shall be under the general supervision and control of a board of trustees consisting of seven members, one of whom shall be the county superintendent of schools of the county wherein such county high school is located, and six of whom shall be appointed by the board of county commissioners of the said county.

Board of Trustees.

Section 4. **Appointment and Term of County High School Trustees.** The county superintendent of schools shall be a member of the board of county high school trustees of her county throughout her term of office as county superintendent. Save as hereinafter provided the terms of office of the trustees of any county high school, appointed by the board of county commissioners, shall begin on the first Monday in January following their appointment and shall be for two years thereafter. The board of county commissioners annually at their December meeting shall make the appointments for the terms commencing with the first Monday in January next ensuing, provided that if more than three such terms are to commence at the same time three only of the appointments made shall be for the term of two years, and shall be by the board of county commissioners specifically so designated upon their minutes, the remaining appointments to be for the term of one year and to be designated as such in like fashion by the board upon its minutes. In all cases, however, the members of the board of county high school trustees shall serve and hold office until their successors are appointed and qualified. Not more than three members of any board of county high school trustees, appointed by the board of county commissioners, shall at the time of their appointment or during their terms of office reside outside of the school dis-

Appointment and term of Trustees.

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trict in which the county high school is located; and not more than two trustees residing outside of such school district shall be appointed to the county high school board of trustees in the same year.

Vacancies.

Section 5. **Vacancies.** Whenever a vacancy occurs in any board of county high school trustees, from any cause whatever, the secretary of the board shall immediately certify such vacancy to the board of county commissioners of the county, which shall forthwith fill such vacancy by an appointment for the remainder of the term in which the vacancy exists and until a successor shall be appointed and qualified.

Meetings of Trustees.

Section 6. **Meetings of County High School Boards of Trustees—Quorum—Contracts.** The board of trustees of every county high school shall hold four regular meetings annually on a day fixed by the board in the months of April, July, October, and January, and such special meetings not exceeding two (2) in any one (1) calendar month, as may be necessary. All meetings shall be held at the place where the county high school is located. The provisions of the general school law of Montana as to call and notice of special meetings of the boards of trustees of school districts shall govern the special meetings of all boards of trustees of county high schools. At any general or special meeting a majority of all the members of the board shall constitute a quorum for the transaction of any business except the letting and execution of contracts. No contract shall be let or executed by any board of trustees of any county high school save by a majority vote of all the members of the board at a regular meeting, or at a special meeting, duly called, noticed and convened.

Quorum.

Contracts.

Officers of Boards of Trustees of county high schools.

Section 7. **Officers of Boards of Trustees of County High Schools.** At the regular meeting in January of the board of trustees of every county high school there shall be chosen annually from among the members of the board a president, vice president and secretary who shall hold office until the next regular meeting in January of the year ensuing and until their successors have been chosen and qualified. Every such board of trustees shall have authority to make all necessary rules for its government and the orderly conduct of its business, not, however, in anywise inconsistent with the law. The

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treasurer of the county wherein a county high school is located shall be the treasurer of the board of trustees of such county high school and the custodian of all funds of the said board and of all moneys belonging to such county high school or available for county high school purposes.

Compensation of Trustees.

Section 8. **Compensation of Members of Boards of Trustees of County High Schools.** A member of the board of trustees of a county high school is entitled to all mileage in attending the meetings of the board at the rate of ten cents (10c) per mile for every mile necessarily travelled from his place of residence to the place where the high school is located, and return, such mileage to be allowed by the board and paid by its warrant drawn against any moneys in the hands of the county treasurer, belonging to the county high school and not otherwise appropriated. The members of the board shall receive no compensation for their services as trustees.

Compensation of secretaries of Board of Trustees.

Section 9. **Compensation of Secretaries of Boards of Trustees of County High Schools.** Every board of trustees of a county high school may allow and pay the secretary of the board such reasonable compensation for his services as secretary of the board may fix, payment to be made at stated intervals in the discretion of the board from any funds in the hands of the county treasurer belonging to the county high school and not otherwise appropriated, but only upon the warrant of the board drawn as in other cases. The fact that the secretary is also a trustee and a member of the board shall not bar him from receiving the compensation herein provided for.

CHAPTER 2.

SCHOOL ADMINISTRATION

School administration.

Section 10. **Principal, Authority Of.** The principal of any county high school, with the consent and approval of the board of trustees, may make such rules and regulations as he may deem proper and suitable concerning the courses of study, the conduct and government of the pupils attending the county high school, and the general administration of such schools; providing nothing herein shall be construed as permitting the adoption of rules and regulations which shall be in conflict with the rules and regulations promulgated by the State Board of Education.

Authority of principal.

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Pupils, supervision and expulsion of.

Section 11. **Pupils, Suspension and Expulsion Of.** Any pupil wilfully refusing to obey any such rule or regulation, or persistently failing to conform thereto, may be suspended by the principal forthwith, and, after reasonable notice and an opportunity to appear and be heard, expelled by the board of trustees from the county high school.

CHAPTER 3.

BOND ISSUES

Bond issues.

Section 12. **Bond Issues, Submission to Electors of Question.** If in any county maintaining a county high school in which no district high school is maintained not less than twenty per centum (20%) of the registered voters who on the last completed assessment roll of the county were assessed in their own names on real or personal property in the county shall present to the board of trustees of the county high school a petition asking that there be submitted the question whether bonds of the county shall be issued for the purchase or erection of a high school building or buildings and/or for the repairing, remodeling, or enlarging thereof, and/or for the purchase of equipment thereof, and/or for the purchase, erection and/or equipment of a high school dormitory or dormitories, or gymnasium, and/or for the purchase of a suitable site or sites for such buildings, or any of them, and/or to retire or refund any outstanding bonds issued for any of the purposes foregoing, and if such petition shall specify therein the amount of the bonds to be issued, and if the board of trustees of the county high school shall upon the presentation to it of the said petition, approve the same, and the issuance of bonds of the county to the amount therein mentioned and for the purpose or purposes therein specified, the secretary of the said board shall forthwith in the name of the board of trustees request the board of county commissioners of the county to submit without delay to the registered voters of such county the question whether bonds of the county shall be issued and sold to the amount and for the purpose or purposes in the petition set forth.

Submission to electors.

Duty of Board of County Commissioners.

Section 13. **Duty of Board of County Commissioners.** Immediately upon the receipt of any such request it shall be the duty of the board of county commissioners to submit such question to the registered and qualified electors

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of the county in the manner otherwise provided by law for the submission of the question of the issuance of other county bonds. If a majority of the registered and qualified electors of the county, voting upon the question so submitted, shall approve such issue, then the board of county commissioners shall forthwith issue and market the bonds authorized as in the case of other county bonds.

Bond limit.

Section 14. **Bond Limit—Term — Rate of Interest—Form.** In any county of the first, second, third or fourth class the amount of all bonds requested or authorized under the provisions of this chapter shall not exceed, in any one county, in the aggregate as outstanding obligations of the county the sum of Four Hundred Thousand Dollars ($400,000.00), and in all other counties, in any one county, the sum of Three Hundred Thousand Dollars ($300,000.00). Such bonds shall mature in twenty (20) years, or less, and shall bear interest and the general form of the bonds shall be fixed by the board of county commissioners.

Term, interest, form.

County bond issue for county and district high schools.

Section 15. **County Bond Issue for County and District High Schools.** In any county where a county high school and also one or more accredited district high schools are maintained bonds of the county may likewise be issued in accordance with the provisions of this chapter and for any of the purposes aforesaid, the proceeds of such issue to be divided among the county high school and accredited district high school, or schools of the county. The question submitted to the electors of the county shall definitely state the amount which is to be allotted to the county high school and the amount which is to be apportioned to or among the accredited district high school, or schools; and in all such cases the amount allotted to the county high school and the amount to be apportioned among the accredited district high school or schools shall be computed upon the basis of the average daily attendance in the county high school, and in all the accredited district high schools of the county during the year preceding the submission of the question of the bond issue.

Payment of bonds.

Section 16. **Payment of Bonds.** All bonds authorized and issued in accordance with this chapter shall be paid, both principal and interest, in the manner provided by law for the payment of other bonds of counties of the State.

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Levies for maintenance.

When prohibited.

Section 17. **Levies for Maintenance — When Prohibited.** In all cases where bonds of the county are issued for county high school purposes the board of trustees of the county high school shall not include in any budget of its requirements for the maintenance of the county high school any item of expense or disbursement for the purposes, or any of them, for which such county bonds are issued.

CHAPTER 4.

TRANSPORTATION AND RENT OF QUARTERS FOR PUPILS.

Transportation and rent of quarters for pupils.

Section 18. **County High Schools and Rent of Quarters and Transportation of High School Pupils — Tax Levy Therefore Authorized.** Whenever the board of trustees of any county high school shall deem it for the best interests of the county high school and of any high school pupil residing within the county who is eligible for admission to the county high school, and who is actually enrolled thereat it may by resolution pay out of the funds of the high school a part or all of the expense of the

Transportation.

transportation of such pupil to, and a part or all of the rent of his quarters at the accredited high school which is nearest or most accessible to the pupil's residence; and the moneys needed to defray the expense of such rent of quarters, or of such transportation may be included in

Tax levy.

the amount to be raised by the special county tax for the maintenance of high schools or a special tax therefor may be levied upon the taxable property in the county. But all moneys expended in accordance with this section for rent of quarters, or transportation shall be paid out only according to the schedule therefor promulgated by the State Board of Education, and not otherwise; pro-

Proviso.

vided, that no transportation shall be paid for students residing within the incorporated limits of a city, or for students residing within five miles from the high school building, unless a bus route has been established when trustees may transport such students who reside on such route within these limits.

CHAPTER 5.

ABOLISHMENT OF COUNTY HIGH SCHOOLS.

Abolishment of county high schools.

Section 19. **Authority to Abolish.** Any county in which a county high school has been established may

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abolish such county high school and dispose of all property belonging thereto in the manner provided in this chapter. Authority.

Section 20. **Petition to Be Filed.** Between the first day of July and the first day of September in any year in which a general election is held in the State of Montana twenty per centum (20%) or more, of the qualified electors of any county maintaining a county high school who are also assessed in their own names on the assessment books of the county for that year upon real or personal property may file their written petition with the county clerk of the county praying that the county high school be abolished. Petition.

Section 21. **Commissioners to Submit Question.** At the first regular monthly meeting of the board of county commissioners of the county immediately following such filing the petition shall be called to the attention of the board by the county clerk; and the board shall immediately direct the submission to the registered voters of the county at the ensuing general election for that year of the question whether the county high school of the county shall be abolished. Commissioners to submit question.

Section 22. **Publication of Notice.** The county clerk of the county shall publish a notice of the filing and purpose of the said petition and that the question of abolishing the county high school in the county will be submitted at the ensuing general election, at least once a week for four successive weeks in some newspaper of general circulation published in the county, and, if there be none, in such newspaper as the board of county commissioners may designate, the first publication of such notice to be made between September 1 and September 15 of the said year. Publication of notice.

Section 23. **Further Notice Required — Manner of Holding Election.** Further notice of the submission of the question shall be given, and such question shall be submitted to the registered voters of the county at the ensuing general election in November, and the votes cast thereon canvassed and returns thereof made, in the manner provided by law for the election of county officers at that election, subject, however, to the following special requirements: Further notice required. Manner of holding election.

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Form of ballot.

The votes for or against the abolishment of the county high school shall be cast by ballot which shall be in substantially the following form:

☐ For the abolishment of the county high school.

☐ Against the abolishment of the county high school.

Voting.

An elector may vote for abolishing the county high school by placing an "X" in the square immediately before the words "For the abolishment of the county high school"; and a ballot so marked and cast shall be counted in favor of abolishing the county high school. An elector may vote against the abolishment of the county high school by placing an "X" in the square immediately preceding the words "Against the abolishment of the county high school"; and a ballot so marked and cast shall be counted against abolishing the county high school.

Action of Commissioners when election favors abolishment.

Section 24. **Action by Board of County Commissioners When Election Favors Abolishing High School.** If a majority of all the votes cast at such general election upon the question of the abolishment of the county high school shall be in favor of abolishing the same the board of county commissioners of the county at its first regular meeting in December following shall make and enter at large upon its minutes an abstract of the votes so cast and a resolution that in accordance therewith on and after July 1st of the year immediately following the county high school of the county shall be, and is thereby, abolished.

When election favors retention.

Section 25. **When Election Favors Retaining High School.** But if a majority of all the votes cast at such election shall be against the abolishment of the county high school a similar abstract of the votes shall in like manner be entered by the board of county commissioners at large upon their minutes at its December meeting aforesaid; and no further submission of the question of abolishing the county high school shall be had in that county for at least four years thereafter, provided that if an election against the abolishment of the county high school has been had within any county within two years prior to the enactment of this statute, that the question shall not again be re-submitted for at least four years after the date that this Act becomes effective.

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Section 26. **Disposition of Unexpended Funds of County High School After Abolishment.** When any county high school is abolished pursuant to law all unexpended moneys belonging to such high school shall be applied and paid as follows:

Disposition of unexpended funds of county high school after abolishment.

1. To the payment of outstanding warrants issued by the board of trustees of the county high school.

2. To the payment of the interest and principal of outstanding bonds issued for county high school purposes.

3. To the credit of the funds of the school districts of the county which maintain and conduct accredited high school classes, the apportionment among such districts to be made according to the average daily attendance as determined by the county superintendent of schools at such accredited high school classes for the school year immediately next preceding the effective date of the abolishment of the county high school. But if the school district in which the county high school was located shall establish an approved high school, or approved high school classes, for the school year immediately following upon the effective date of the abolishment of the county high school such school district shall share in the distribution of any unexpended balance of the funds of the county high school upon the basis of the average daily attendance at the county high school in approved high school classes during the last school year of its existence.

Establishment of an approved high school.

Section 27. **Disposition of Property of County High School When Abolished—Inventory — Appraisal — Compensation of Appraisers.** When any county high school is abolished all its real and personal property, other than its moneys, shall be disposed of in the following manner: The district court of the county in which such high school was located on application of the board of county commissioners shall appoint three competent persons, residents of the county, to inventory and appraise all such real and personal property of the said county high school. In making such appraisement the appraisers shall take into account ordinary depreciation, and the adaptability or lack of adaptability of the buildings, grounds, and other real estate, and of the various articles of personal property to any special use for which such property may

Disposition of property when abolished.

Inventory.

Appraisal.

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Compensation of appraisers.

be sold. The appraisers shall be allowed their necessary expenses, including mileage at the rate of ten (10) cents per mile from their respective residences to the place where the property of the county high school is found, and return, expenses and mileage to be paid out of any moneys belonging to the county high school, or, if none, out of the general fund of the county, upon the order of the district court.

Return of inventory and appraisement.

Section 28. **Return of Inventory and Appraisement.** The appraisers shall make and return their inventory and appraisement to the board of county commissioners of the county, and file the same with the county clerk, within thirty (30) days of the date of their appointment, accompanied by their several oaths that they have inventoried the property belonging to the said county high school honestly and have appraised the same fairly and impartially. Upon the filing of such inventory and appraisement the Court shall fix a day for the hearing thereof of not less than ten (10) nor more than fifteen (15) days, and upon such hearing any person interested therein may appear and object thereto or show cause why the same should not be approved, and upon the hearing thereof the Court shall make an order either approving or refusing to adopt the said appraisement. If the report of the appraisers shall not be approved, the Court may appoint a new Board of Appraisers who shall make a re-appraisement of the property. The appraisers shall not be paid on account of their expenses and mileage until the order of the Court above provided for shall have been made.

Sale.

Section 29. **Board of County Commissioners to Sell—Manner of Sale—Execution of Deeds, Etc.** Upon the adoption or approval of the appraisement the board of county commissioners of the county shall proceed to sell all of such property after notice and in the manner provided by law for the sale by the board of other county property; and upon any such sale of all or any portion of such property pursuant to law and the payment to the county treasurer of the purchase price the said board shall be fully authorized and empowered to make and execute in the name of the county all necessary and appropriate deeds, bills of sale and other instruments for the conveyance of title to the purchaser or purchasers.

Execution of deeds.

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Sales of less than appraised value.

Section 30. **Sales at Less Than Appraised Value.** No sale of any parcel or item of such property shall be made for less than the appraised value. Preference shall be given to the board of trustees of any school district or of any county high school in the sale by the board of county commissioners of any such property, all or any part of which may at any time be sold and the necessary instruments of conveyance executed to any such board at private sale at a purchase price equivalent to the highest bid offered for said property, provided such bid shall not be for less than the appraised value thereof. If the sale of the said property shall not for any reason be concluded as provided herein, the Court at any time within one (1) year from the making of the order adopting the appraisement upon the petition of either the board of trustees of the school district or the county high school may order the said property to be re-appraised and appoint a board of appraisers therefor.

Reappraisement.

Proceeds of sale.

Disposition.

Section 31. **Proceeds of Sale—Disposition.** All moneys received by the board of county commissioners from the sale of the property of the county high school shall be paid over to the county treasurer of the county and by him deposited to the credit of the county high school fund and thereafter disbursed in the manner otherwise provided for the disbursement of the unexpended moneys of a county high school which has been abolished.

Disposition of taxes levied but unpaid.

Section 32. **Disposition of Taxes Levied for County High School But Unpaid Before Abolishment.** All taxes levied for the support of any county high school which is thereafter abolished before such taxes are collected shall, when collected, be paid over into the fund created by the special high school tax levied in the county, and apportioned and disbursed as a part of such fund, and, if there be no such fund, then into the general school fund of the county.

Liquidation of indebtedness upon abolishment.

Section 33. **Liquidation of Indebtedness of County High School Upon Abolishment.** If the funds of any county high school which has been abolished, and the proceeds of the sale of all its property according to law, are not sufficient to pay all the outstanding warrants, bonds and other legal obligations of the said high school, it shall be the duty of the county commissioners and of the board of trustees of the said high school annually

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to ascertain the amount of such warrants, bonds and other outstanding indebtedness and to make such annual tax levies according to law as may be necessary to pay and retire such warrants, bonds and/or other outstanding obligations, all in the same manner and by the same means as though the said county high school had not been abolished; and for such purpose and until such indebtedness be fully paid and discharged the board of trustees of the said county high school shall be continued in existence and shall function, and together with the board of commissioners of the county shall exercise and have the same powers for retiring and paying such indebtedness as though the said county high school were still functioning and in existence.

CHAPTER 6.

VALIDATION OF CERTAIN ACTS AND PROCEEDINGS.

Validation of certain acts and proceedings.

Section 34. **School Bonds Validated.** All bonds which have been heretofore issued by the board of trustees of any county high school, or the issuance of which any such board has assumed to authorize, are hereby ratified and confirmed and declared to be valid and subsisting legal obligations of full force and effect, provided that the question of the issuance of such bonds was first submitted to the voters of the county and a majority of all the votes cast by such voters was in favor of such bond issue as declared by the minutes of the said board of trustees, or as otherwise made to appear with certainty.

Validation of school bonds.

Section 35. **Validation of the Establishment and Location of County High Schools.** All acts and things of any nature whatsoever heretofore done, and all proceedings heretofore had, by any board of county commissioners of any county in the state relative to the submission to the electors of the county of the question of establishing and locating a county high school, and to the establishment and location of any such high school, where such question was in fact submitted to the voters of the county and a majority of all votes cast by the voters was in favor of the establishment and location of a county high school as declared by the minutes of the board of county commissioners, or as otherwise made to appear with certainty, are hereby ratified and confirmed and declared to be valid and of full force and effect.

Validation of the establishment and location of high schools.

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Validation of prior acts.

Section 36. **Validation of Prior Acts.** All acts and things of any kind whatsoever done, or proceedings had, by any board of trustees of any county high school, or by any board of county commissioners of any county, prior hereto and under the provisions of the Acts of March 3, 1899, for the establishment of county free high schools, or under the further Acts of March 14, 1901, amending certain sections of the Act aforesaid of March 3, 1899, or under any other Act of the Legislative Assembly relating to the establishment of county free high schools or for their maintenance, support or administration are hereby ratified and confirmed and declared to be valid and of full force and effect.

TITLE III.

DISTRICT HIGH SCHOOLS

District high schools.

CHAPTER 1.

ESTABLISHMENT.

Establishment.

Section 37. **School Districts May Establish High Schools.** Whenever the interests of any school district require it, the board of trustees of the district with the approval of the Superintendent of Public Instruction may establish a high school and make the necessary provisions for its quarters, equipment and teaching force in the manner provided in the following section.

Approval of Superintendent of Public Instruction.

Section 38. **Approval of Superintendent of Public Instruction—How Secured.** When the board of trustees of any school district desires to establish a high school it shall petition the Superintendent of Public Instruction prior to June 1 of the current year for permission to do so, setting forth in writing the facts regarding the enrollment in the elementary grades, the distances to other high schools, the road conditions, the taxable valuation of the district, the building facilities and such other information as the state superintendent may require. An investigation shall be made thereafter by a designated representative of the Superintendent of Public Instruction and his report on the petition filed with it before the petition is acted on. The Superintendent of Public Instruction must have passed favorably on any such petition before the high school proposed may be established by the district.

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CHAPTER 2.

DISTRICT SUPERINTENDENT

District Superintendent.

Section 39. **District Superintendent of Schools.** The board of trustees of any school district may appoint a superintendent of schools his contract shall thereafter be deemed renewed for a further term of one (1) year, and successively thereafter for like terms of one (1) year each, unless the board of trustees shall be a majority vote of its members give written notice to such superintendent on or before the 1st day of February of the last year of his current term that his services will not be required after the expiration of his existing contract.

Qualifications.

Section 40. **Qualifications.** No person shall be eligible for appointment as district superintendent of schools of any school district unless at the beginning of the term of his contract he be the holder of such teacher's certificate as the State Board of Education shall require; and any such district superintendent of schools who at any time during the term of his contract shall from any cause cease to be the holder of such teacher's certificate as the said State Board of Education may require shall thereupon be forthwith discharged by the board of trustees of the district, regardless of the unexpired term of his contract, and in no event shall receive compensation from the school district for any services rendered subsequent to the date of his ceasing to hold the required certificate.

Duties.

Section 41. **Duties.** The district superintendent shall have general supervision of all the schools of his district, including all high schools, both junior and senior, and all high school courses offered in any district school, but under the direction and control of the board of trustees. He shall be the executive officer of the board of trustees and shall perform such additional duties in connection with the school system of the district as the board of trustees may prescribe.

Certain employment prohibited.

Section 42. **Certain Employment Prohibited.** No district superintendent of schools shall engage in any work or activity which the board of trustees may deem in conflict with his duties and employment as such superintendent.

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Books.

Section 43. **Books.** All reference and library books of the high school shall be selected by the district superintendent of schools with the approval of the board of trustees; but in districts where a district superintendent is not employed the principal of schools shall select such reference and library books likewise with the approval of the board.

CHAPTER 3.

TRANSPORTATION, RENT OF QUARTERS FOR PUPILS.

Transportation. Rent of quarters for pupils.

Section 44. **District High Schools, Rent of Quarters and Transportation of High School Pupils — Tax Levy Therefor Authorized.** Whenever the board of trustees of any school district shall deem it for the best interest of the district and of any eligible high school pupil residing within the district or whenever the board of trustees of any school district maintaining an accredited high school shall deem it for the best interests of the district and of any eligible high school pupil residing within the county who is actually enrolled in the high school maintained by the district, it may by resolution pay out of the funds of the district a part or all of the expense of the transportation of such pupil to, or a part or all of the rent of his quarters at, the accredited high school which is nearest or most accessible to the pupil's residence; and the moneys needed to defray the expense of such rent of

CHAPTER 4.

JUNIOR HIGH SCHOOLS

Junior high schools.

Section 45. **Junior High Schools — Authority to Establish in District Having No Accredited High School.** The board of trustees of any school district where no accredited high school is already established and maintained may establish one or more junior high schools in the district at any time in accordance with the sections immediately following and provide therefor quarters, buildings, building sites, equipment and a teaching force.

Authority to establish in district having no accredited high school.

Petition.

Section 46. **Petition—Resolution of Board—Approval of Superintendent of Public Instruction.** Whenever the board of trustees of any school district which has no accredited high school, already established, shall receive a petition in writing from twenty per centum (20%), or

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more, of the registered voters of the district requesting that a junior high school or junior high schools be established, or shall itself resolve by resolution spread upon the minutes of the board that the establishment of a junior high school or junior high schools is in the best interests of the district, an application shall forthwith be made by the said board of trustees to the superintendent of public instruction, setting forth therein such facts and information as it may require and requesting its approval of the establishment of the junior high school or junior high schools in question.

Resolution.

Approval.

Section 47. **Submission of Question.** If the establishment of a junior high school or junior high schools is approved by the superintendent of public instruction, the board of trustees of the school district shall immediately submit to the registered voters of the district the question whether a junior high school, or if the establishment of more than one such junior high school be contemplated, whether junior high schools shall be established in such district.

Submission of question.

Section 48. **Application and Submission of Question When Bonds Are to Be Issued.** If it is necessary for the district to issue bonds to provide quarters, buildings, building sites, and/or equipment for the proposed junior high school or junior high schools the application for the approval of the Superintendent of Public Instruction, shall set forth the facts pertinent to such issue and the amount of bonds required for the purposes mentioned, or any of them. And in any such case if the establishment of the junior high school or junior high schools be approved by the Superintendent of Public Instruction the question submitted by the board of trustees to the registered voters of the district shall be whether a junior high school, or, if the establishment of more than one junior high school be contemplated, whether junior high schools shall be established in the district and bonds in a specified amount issued to provide quarters, buildings, building sites and equipment, or for any one or more such purposes.

Application and submission of question when bonds are to be issued.

Section 49. **Election.** The qualified electors of the district shall be entitled to vote upon any question submitted to them in accordance with this chapter at an election called, noticed, held, canvassed and returned in

Election.

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the manner provided by law for the submission in such district of the question of a bond issue for the purpose of building, enlarging, altering or acquiring by purchase a school house, of furnishing and equipping the same, and of purchasing the necessary lands therefor.

Duty of Board on approval.

Section 50. **Duty of Board if Establishment of Junior High School Be Approved.** If a majority of the votes cast at any such election be in favor of the establishment of a junior high school or junior high schools the board of trustees of the district shall immediately establish and open the school or schools so authorized.

Issuance of bonds.

Section 51. **Issuance of Bonds.** If the issuance of bonds as specified in any question submitted be approved the board of trustees shall thereafter issue and market the bonds of the district within the limits of the amount specified in the question and in the same manner and pursuant to the provisions and limitations of law otherwise applicable in the case of the issuance of district bonds for the purpose of building, enlarging, repairing or acquiring by purchase a school house, in the said district, or furnishing and equipping the same, and of purchasing the necessary lands therefor.

How to establish school when district high school is already established.

Section 52. **Junior High Schools — How Established Where District High School Is Already Established.** The board of trustees of any school district wherein an accredited high school is already established may, by resolution and in compliance with the rules and regulations of the Superintendent of Public Instruction reorganize the school system of the district to provide for a junior high school or junior high schools as a part of such system, without submitting the question to the qualified electors of the district. But nothing herein contained shall be construed to authorize any such board of trustees to issue bonds of the district or to incur indebtedness or to proceed in the establishment of a junior high school or junior high schools other than in accordance with its general powers elsewhere defined.

Establishment in districts where county high school is located.

Section 53. **Establishment in Districts Where County High School Is Located.** A junior high school or junior high schools may be established by the school district in which any county high school is located in the manner provided in Section 52 above, provided that the board

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of trustees of the county high school already located in the district shall by resolution consent thereto.

Tuition.

Section 54. **Tuition to Be Paid by County High School Board.** Whenever any junior high school is established by any school district in which a county high school is maintained as provided in this chapter the board of trustees of the county high school shall pay annually out of any funds of the county high school to the board of trustees of the school district maintaining the junior high school for every ninth grade pupil enrolled in such junior high school who would otherwise be eligible for admission to the county high school an amount as tuition to be fixed by the Superintendent of Public Instruction by determining the relative average cost throughout the State of Montana of the education of pupils in the ninth grade and three upper high school grades of the public school system.

Discontinuance.

Section 55. **Discontinuance.** Any junior high school now or hereafter established may be abolished by resolution of the board of trustees of the district; provided that in districts where a county high school is maintained that the board of trustees of the county high school shall by resolution consent to the abolishment of said junior high school.

Attendance how governed.

Section 56. **Attendance at From Without the District.** The attendance at any junior high school of elementary pupils residing without the school district by which such junior high school is established and maintained shall be governed and controlled by the laws otherwise applicable in such cases arising in the elementary schools, and particularly with reference to the transfer or payment of tuition and the method whereby such transfer may be authorized. Elementary pupils, as used in this section shall be such pupils as have not fully met the requirements for entrance into the ninth grade of an accredited high school.

Junior high school courses.

Section 57. **Junior High School Courses.** Wherever a junior high school is organized in any school system or a junior high school is established the administrative officer may combine subjects and include special courses as he may deem necessary or appropriate, providing such courses meet with the approval of the Superintendent of Public Instruction. Admission to junior high school and

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junior high school courses shall be in accordance with the standards prescribed and the rules promulgated by the Superintendent of Public Instruction.

TITLE IV.

JOINT SCHOOL SYSTEMS

Joint school systems.

CHAPTER 1.

Board.

Section 58. **Joint School Board — When Formed.** Whenever the board of trustees of any county high school and the board of trustees of the school district in which such county high school is located shall deem it for the best interest of both school systems they may form a joint board for the purposes and with the jurisdiction in this chapter specified.

When formed.

Membership.

Section 59. **Membership — Organization — Officers.** Every member of the board of trustees of the school district and of the board of trustees of the county high school shall be deemed a member of any joint board, formed as authorized by this chapter, and entitled to receive reasonable notice of and to participate in all meetings of such joint board without restriction save in voting which is otherwise specially provided for. At the first meeting of any joint board there shall be chosen from among the membership a chairman who shall preside at all meetings; the county superintendent of schools shall be the secretary by virtue of her office. The chairman of the joint board shall not by reason of that fact be disqualified from voting upon any question, provided, however, that he be otherwise qualified to vote as elsewhere specified.

Organization.

Officers.

Powers.

Section 60. **Powers.** Every joint school board, so formed, in addition to its power to employ a district superintendent and county high school principal and joint teachers for both school systems, as elsewhere authorized, shall have jurisdiction and control of all questions of joint administrative policy and of the apportionment of all items of joint expense between the school district and the county high school.

Voting powers of members of joint boards.

Section 61. **Voting Powers of Members of Joint Boards.** For the purpose of voting upon any question relative to the employment of a district superintendent and county high school principal, or to the employment

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of joint teachers, or of determining any question of joint administrative policy, or of apportioning any item of joint expense, the board of trustees of the school district and the board of trustees of the county high school shall each be entitled to the same number of votes at any meeting of the joint board. To this end the board of trustees of the county high school shall choose a number of its members equal to the number of the trustees of the school district which comprise its board. The county superintendent of schools shall not be one of the trustees so selected by the county high school board. The names of the trustees, so chosen by the county high school board, shall be given to the secretary of the joint board as the designated representatives of the board of trustees of the county high school who are entitled to vote at all meetings of the joint board. No other members of the board of trustees of the county high school than those so designated whose names have been filed with the secretary of the joint board shall be entitled to a vote save that the county superintendent of schools shall cast the deciding vote in any case where a tie continues after at least three successive ballots. At all meetings of the joint board every member of the board of trustees of the school district and every member of the board of trustees of the county high school who has been designated by it in the manner herein provided as one of its representatives for the purpose of voting shall be entitled to cast one (1) vote upon every question submitted.

CHAPTER 2.

Administration of joint school systems.

ADMINISTRATION OF JOINT SCHOOL SYSTEMS

Section 62. **District Superintendent and County High School Principal — Appointment.** Every joint board formed as provided in this chapter shall employ some qualified person who shall supervise the administration of the county high school and of the public schools in the district wherein the county high school is located and who shall be known as the superintendent of district schools and principal of the county high school.

Superintendent, principal and appointment.

Section 63. **Qualifications — Term — Salary.** Every person appointed to the position of superintendent of district schools and principal of the county high school shall have the qualifications required by law for administrator of grades included within the system. He shall

Qualifications, term, salary.

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be employed for a term not exceeding two (2) years and at a salary to be fixed by the joint board.

Joint teachers. Employment.

Section 64. **Joint Teachers—Employment.** The joint board may employ such teachers as are necessary to teach the same special subjects offered in both schools such as home economics, the trades and industries, manual training, agriculture, music, art, penmanship, the commercial branches and the like.

Joint salaries, how paid.

Section 65. **Joint Salaries—How Paid.** The salaries of the district superintendent and county high school principal and of those teachers who are employed to teach jointly in both schools shall be borne both by the school district and the county high school. The salary of the district superintendent and county high school principal shall be apportioned between the school district and the county high school in proportion to the number of teachers necessarily employed in either school system for its proper administration. The salary of every teacher, employed to teach jointly both in the district schools and county high school shall be apportioned between the two school systems in accordance with the number of class room hours actually expended by the teacher in each of the school systems.

Existing contracts exempted.

Section 66. **Existing Contracts Exempted.** Nothing contained in this chapter shall be construed to affect any existing contract for the employment of a county high school principal or of a district superintendent of schools; but wherever a joint board exists or is hereafter formed the separate contract either of the county high school principal or of the district superintendent shall not be renewed and no new contract shall be made with any person for either position separately save for such period of time as may be necessary to fill one position until the existing contract with the other office may expire.

Controversies over joint expense, how decided.

Section 67. **Controversies Relative to Division of Joint Expense—How Decided.** Whenever any controversy shall arise relative to the division of any item of joint expense between a school district and a county high school, which have formed a joint board, such controversy shall be decided by the vote of the joint board as in other cases; but an appeal from its decision may be taken within thirty days thereafter by either the board of trustees

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of the school district or of the county high school to the State Superintendent of Public Instruction whose decision shall be final and conclusive.

General school laws, when applicable to joint boards.

Section 68. **General School Laws, When Applicable to Joint Boards.** In all cases where specific provision is not made by law for the control or functioning of any joint board formed in accordance with this chapter it shall be guided by the general laws of the state relating to public schools in all its acts and in the transaction of its business, provided that no joint board shall have or exercise any power not specifically given to it as such by law.

TITLE V.

GENERAL HIGH SCHOOL ADMINISTRATION

General high school administration.

CHAPTER 1.

SUPERVISION AND STANDARDS

Supervision and standards.

Section 69. **High School Supervisors.** The State Superintendent of Public Instruction with the approval of the State Board of Education shall appoint one supervisor for the state, whose duty it shall be to inspect and supervise the work of the high schools of the state, including all junior high school courses and schools, and to report from time to time such information concerning the same as the State Superintendent of Public Instruction may require. A high school supervisor shall have the qualifications required by law for a district superintendent of schools, and shall hold office for such term and at such salary as the State Superintendent with the approval of the State Board of Education may fix. The salaries and expenses of such high school supervisor shall be paid out of the moneys appropriated for the support of the State Department of Public Instruction.

High school supervisors.

State Board of Education.

Section 70. **State Board of Education—Duties.** The State Board of Education shall prescribe the standards for promotion from the elementary schools to the public junior and senior high schools of the state and shall likewise fix the standards of work for all public high schools and accredit such schools as attain and maintain the standards thus fixed.

Duties.

Courses of study.

Section 71. **Courses of Study.** The State Superintendent of Public Instruction shall prepare or cause to be prepared with the cooperation and approval of such edu-

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cators as may be designated by the State Board of Education courses of study for all high schools of the state, including junior high schools and all junior and senior high school courses, and shall prescribe to what extent such courses of study shall be used.

Section 72. **Text Books.** The text books for all high schools, including junior high schools and all junior and senior high school courses, shall be selected by the district superintendent or the principal of the high school, in either case with the approval of the board of trustees.

Architecture.

Section 73. **Architecture.** No public school house which is intended or used in whole or in part as a junior or senior high school, or for any high school purpose, shall be erected, or enlarged at an expense which shall exceed Five Hundred Dollars ($500.00) until plans and specifications detailing the work involved shall have been approved by the State Board of Health and its approval endorsed in writing thereon; provided that in districts of the second and third classes any such plans and specifications shall also have the approval of the Superintendent of Public Instruction endorsed thereon in like fashion. The plans and specifications submitted in accordance with this section shall detail the heating, lighting and ventilation systems of the building in question.

CHAPTER 2.

SECRET SOCIETIES

Secret societies.

Prohibited.

Section 74. **Secret Societies—Prohibited.** It shall be unlawful for the pupils of any public high schools or other elementary schools of this state to participate in or be members of any secret fraternity or secret organization whatsoever that is in any degree a school organization.

Duty and authority of Boards of Trustees.

Section 75. **Duty and Authority of Boards of Trustees.** Every board of trustees of a school district or county high school is hereby required to enforce the provisions of this chapter and is hereby fully authorized and empowered to make and adopt all rules and regulations which in the judgment and discretion of any such board are necessary or appropriate to effect the intent and purpose of this chapter, and from time to time to modify, change or repeal any such rules or regulations so adopted.

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Authority of Boards of Trustees to penalize.

Section 76. **Authority of Boards of Trustees to Penalize.** Every board of trustees of a school district or county high school is hereby further fully authorized and empowered pursuant to rules and regulations, so made and adopted by it, to suspend or dismiss any pupil attending any high school within its jurisdiction, or to deny to any such pupil the honors of graduation or of participating in school activities when after investigation the board of trustees having jurisdiction by at least two-thirds (2/3) vote of its members shall first have adjudged any such high school pupil guilty of a violation of any of the provisions of this chapter, or of any of the rules or regulations, adopted and in force as provided herein.

Solicitation by others than pupils.

Section 77. **Solicitation by Others Than Pupils.** It shall be unlawful for any person to be upon the grounds or in or about any building of a public high school of which he is not a pupil for the purpose of soliciting any pupil of any public high school to join any secret society or organization which is prohibited by this chapter.

Violations, penalty.

Section 78. **Violations Hereof—Penalty.** It shall be a misdemeanor to violate any provision of this chapter; and any person convicted thereof shall be punished by a fine of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00) for every violation.

CHAPTER 3.

Attendance.

ATTENDANCE

What pupils entitled to attend.

Section 79. **High School Attendance — What Pupils Entitled to Attend.** Attendance at any accredited high school shall be free to all eligible high school pupils residing in the county wherein such accredited high school is located except for such fees as the board of trustees are otherwise specially authorized by law to exact.

What attendance counted.

Section 80. **What Attendance Counted.** No attendance by a high school student at a high school outside the county of his residence shall be counted in determining attendance.

Outside of county.

Section 81. **Attendance Outside of County of Pupil's Residence.** The attendance of any eligible high school pupil at an accredited high school outside of the county of his residence may be authorized by the county superintendent of schools of the county of his residence when

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in his judgment such attendance is, for good and sufficient reasons, deemed necessary. He shall not authorize any such transfer of high school student to another county unless proper application therefor has been made on or before July fifteenth; provided further that the county superintendent shall not authorize any transfer of funds to high schools outside the State of Montana.

Duty of County Commissioners.

Section 82. **Duty of Board of County Commissioners.** In any case where a high school pupil attends a high school without the county of his residence by authority of the preceding section the board of county commissioners of the county of the pupil's residence must forthwith direct the county treasurer of said county to pay from the high school transfer fund to the board of trustees of the school district or county high school of the pupil's attendance, the sum of fifty cents (50c) for each and every day of attendance, at the time of the June apportionment. In making said transfer only those pupils who have attended said approved high school not less than thirty-five (35) days during the current school year shall be counted in determining such transfer.

Powers of Board of Trustees.

CHAPTER 4.

POWERS OF BOARDS OF TRUSTEES

General powers.

Section 83. **General Powers and Duties of Boards of Trustees.** The board of trustees of every county high school and of every school district maintaining a district high school shall have the power, and it shall be its duty:

Funds.

1. To keep a full and permanent record of all the acts of the board and of all warrants issued against funds disbursed by it; and to pay out money only upon warrants drawn against the funds of the high school, each warrant specifying upon its face the specific purpose for which it is drawn and the disbursement represented thereby, and to keep a separate set of books for all receipts and disbursements for high school purposes, which said books must be kept in accordance with the rules and regulations to be prescribed by the State Superintendent of Public Instruction.

Purchasing of property, etc.

2. At its discretion as restricted by law to purchase, or otherwise acquire, real estate to be used as a site or sites for a high school, high school dormitories, high school gymnasiums, and other high school buildings, or

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for any proper high school purposes, and to sell and dispose of the same; at its discretion as restricted by law to build, purchase, or otherwise acquire, a high school building, high school dormitories, high school gymnasiums, and other buildings necessary for the high school, and to sell, move and dispose of the same; at its discretion as restricted by law to lease or contract with the board of trustees of any school district, or with any person, for suitable buildings or quarters to be used for any high school purpose or as a high school dormitory or gymnasium, and for such term not exceeding three (3) years as the board may deem for the best interests of the high school; at its discretion as restricted by law to purchase, or otherwise acquire, all necessary and appropriate equipment and supplies for the conduct, operation and administration of the high school, including high school dormitories and gymnasiums; at its discretion as restricted by law to make all contracts and to do all things necessary to carry out or execute all or any of the powers herein specified and conferred upon the board; provided, all boards of trustees of county high schools, or districts maintaining high schools, shall be prohibited from letting any contracts for building, furnishing, repairing or other work for the benefit of the school, or purchasing supplies for said school, where the amount involved is Seven Hundred Fifty Dollars ($750.00), or more, without first advertising in a newspaper published in the county for at least two (2) weeks, calling for bids to perform such work, and the board shall award the contract to the lowest responsible bidder; provided further that the board of trustees shall have the right to reject any or all bids; provided that these provisions shall not apply in case of extreme emergencies.

Contracts.

Notice.

But the board shall exercise no power whatsoever conferred upon it by this subdivision whereby obligations are assumed or an indebtedness created in excess of the funds on hand, belonging to the high school, and not otherwise appropriated, or available to the board from the collection of taxes actually levied for the current year, or from the sale of bonds already authorized; and the power of the board to purchase, or otherwise acquire, or to sell, or dispose of, a site or sites for a high school, high school dormitories, high school gymnasiums, or other high school buildings, or for any proper high school purpose, or to

Limitations.

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build, purchase, or otherwise acquire, a high school building, high school dormitories, high school gymnasiums, or other buildings necessary for the high school or to sell, move or dispose of the same, shall be exercised only at the direction of a majority of the qualified electors of the county in the case of a county high school, or of the district in the case of a district high school, voting at an election to be called by the board, and otherwise noticed, conducted, canvassed and returned in the same manner as the annual election of school trustees in school districts of the first class.

County high school employment.

3. In the case of a county high school, to employ for a period of not exceeding two (2) years some person as principal of the county high school who shall possess the qualifications required of a district superintendent of schools and who shall have charge of the county high school and whose tenure shall be the same as that of a district superintendent, except that the term shall be two (2) years instead of three (3).

District high school employment

4. In the case of a district high school, to employ for a period of not exceeding three (3) years some person as district superintendent and/or principal of schools who shall possess the qualifications required by law and who shall have charge of the district high schools.

Assistants.

5. To employ such assistants and teachers upon the recommendation of the county high school principal or district superintendent or principal as the board may deem necessary for the proper conduct of the school, provided, however, that the assistants and teachers employed shall be possessed of the qualifications prescribed by the State Board of Education.

Salaries.

6. To fix the salaries and compensation to be paid to the principal or district superintendent and assistants and teachers employed.

Courses of study

7. To adopt on the recommendation of the county high school principal or district superintendent or principal such courses of study as will adequately and properly fit the graduates of the high school for admission to any of the state institutions of higher education or any other course of study approved by the State Board of Education, provided, however, that such courses of study shall in any event conform to the standards prescribed by the

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State Superintendent of Public Instruction under section 71 foregoing.

Admit pupils within.

8. To admit to the high school without payment of tuition any pupil residing within the county and eligible for admission to high school under the rules and regulations of the State Board of Education.

Admit pupils without.

9. To admit to the high school without payment of tuition any pupil residing in another county whose attendance is authorized under section 81 foregoing; but nothing herein contained shall be construed as denying the right of the board in a proper case to demand and enforce the payment of the sums specified in section 82 above.

Payment.

Outside pupils to exclusion of those within.

10. In its discretion to admit to the high school any pupil residing in another county whose transfer is not authorized by section 81 foregoing upon the payment of such tuition as the board may fix, subject to any restrictions otherwise imposed by law, and provided that such pupil is eligible for admission to high school under the rules and regulations of the State Board of Education. But no such pupil shall be admitted to the high school or permitted to continue in attendance thereat to the exclusion of pupils residing in the county wherein the high school is located.

Supplies.

11. To provide by contract, purchase, or otherwise, for free text books and all necessary and requisite school supplies, furniture, furnishings and equipment, for the repair of high school buildings and property, and for other needs of the high school, including dormitories and gymnasiums, grounds, faculty or school board, but subject at all times to the restrictions imposed by subdivision 2 of this section, or otherwise by law.

Obtain buildings.

12. To rent, lease and let to such persons and entities as the board may deem proper the high school halls, gymnasiums, buildings, and parts thereof, for such time and rental as the board may designate, and to pay over to the county treasurer all sums collected on account of such letting for the credit of the high school.

Teachers' Association.

13. To close the high school at its discretion during the annual session of the State Teachers' Association and to allow the principal or district superintendent and

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teachers to attend such annual session without loss of salary.

14. To make such reports from time to time as the county superintendent of schools the State Superintendent of Public Instruction or the State Board of Education may require. Reports.

15. To equip, operate and maintain a high school dormitory or dormitories, for the use of the teachers and/or pupils of the school; to employ a suitable matron to take charge of, direct and supervise any such dormitory, and such other employees as may be necessary; and to set aside out of the general funds of the high school a sum not exceeding One Hundred Dollars ($100.00), to be designated as the dormitory petty cash fund, which shall be placed at the disposal of the matron for the purpose of paying incidental petty expenses necessarily incurred from time to time in the operation of the dormitory, and to replenish such fund as the same may become exhausted, provided, however, that the matron shall keep an accurate and detailed account of her administration of the dormitory petty cash fund in such form as the State Examiner may prescribe, and shall take proper receipts covering every disbursement made by her from such fund, and provided further that no single account or item paid by her out of the said fund shall exceed in amount Ten Dollars ($10.00). Dormitories. Proviso.

16. To transact all business, to make and execute all contracts, to acquire, hold and dispose of all property, whether real or personal, in the name of the county or school district, as the case may be; and generally to have, possess, exercise and enjoy all powers and authority necessary to execute the specific powers, and to discharge the particular duties hereinbefore conferred and imposed upon the board; but nothing contained in this section shall be deemed or construed to confer any power or authority upon any board contrary to the provisions of sections 1016 and 4447, of the Revised Codes of Montana of 1921, in any case where the provisions of these sections, or either of them, would otherwise be applicable. Transact all business.

Section 85. **Fees.** The board of trustees of any school district or county high school may require pupils in the commercial, industrial arts, music, domestic science, sci- Fees.

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entific or agricultural courses to pay reasonable fees to cover the actual cost of breakage and of excessive supplies used.

CHAPTER 5.

FINANCE AND TAXATION.

Finance and taxation.

Section 86. In any county where there is maintained a county high school and/or a district high school or schools, duly accredited for one (1), two (2), three (3) or four (4) years of high school work by the State Board of Education, and/or a district high school or schools in which the application made by the school district to establish a high school has been approved by the State Superintendent of Public Instruction, a special tax for the maintenance of such high school or high schools shall be levied in accordance with the schedule provided in Section 87. Provided, however, that the special county tax for high school purposes shall not exceed seven (7) mills, except in counties where the seven (7) mill levy will not bring in One Hundred Twenty-five Dollars ($125.00) per high school student. In such case the maximum levy shall not exceed a rate which will bring in an amount equal to One Hundred Twenty-five Dollars ($125.00) per high school student multiplied by the total number of students who are residents of the county and who were enrolled and in regular attendance in the high schools of the county for twenty (20) days or more during the year next preceding. The proceeds of said special tax shall be apportioned in December and June of each year by the county superintendent of schools amongst the county high school and/or district high schools in the following manner: Each high school shall share in the amount collected in the proportion that its budget bears to the total high school budget of the county for said tax. In counties having a county high school which does not own a high school building, the county commissioners at the request of the board of trustees of such county high school, may in addition to all other high school taxes, levy a tax not exceeding one-half (½) of a mill for the purpose of creating a building fund for the erection of buildings for the use of said county high school.

Proviso.

Schedule for maximum levies.

Section 87. **Schedule for Maximum Levies.** The budget for maintenance for each high school shall not exceed per eligible high school pupil enrolled and in regular at-

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tendance for twenty (20) days or more, according to the rules and regulations prescribed by the State Superintendent of Public Instruction, the following maximums: (a) For a high school enrolling sixty (60) or fewer pupils the budget shall not exceed Two Hundred Dollars ($200.00) per pupil. (b) In high schools enrolling more than sixty (60) pupils, the maximum of Two Hundred Dollars ($200.00) per pupil shall be decreased at the rate of Twenty-five Cents ($0.25) for each such pupil until the total number enrolled shall have reached three hundred forty (340) such pupils. (c) For high schools enrolling three hundred forty-one (341) and more such pupils the maximum shall be One Hundred Thirty Dollars ($130.00) per pupil. (d) In districts where the application to establish a high school or high schools has been approved by the State Superintendent of Public Instruction the maximum for the first year shall be the same as that provided for under sub-division (a) of this section; provided, however, that nothing herein contained shall be construed as preventing any school district from voting upon itself an additional levy for high school purposes, in accordance with the general school laws pertaining to election for voting additional levies.

Duties of Trustees to submit budget.

Section 88. **Duty of Trustees to Prepare and Submit Budget.** In any county where a tax is to be levied in accordance with this chapter it shall be the duty of the board of trustees of each district maintaining a high school and the board of trustees of a county high school on or before June 10, to prepare and submit to the board of county commissioners a budget which shall contain all items required for the maintenance of their high school for the next ensuing year. It shall be the duty of such boards of trustees to prepare and submit such budgets upon forms approved by the State Superintendent of Public Instruction.

Funds for students attending outside.

Section 89. In counties where students attend a high school outside of the county of their residence as provided for under section 81 of this chapter, it shall be the duty of the county superintendent of schools on or before the third Monday in July to prepare and submit to the board of county commissioners a budget which shall be equal to Ninety Dollars ($90.00) for each student whose attendance outside of his county has been so authorized. The proceeds from the collections for the bud-

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get for students attending high school outside of the county shall be placed in a separate fund known as "The High School Transfer Fund". In determining the total amount to be raised for high school purposes, this budget shall be included therein, and shall be in addition to the regular budget for maintenance, and the board of trustees of the district high school or county high school to which such students have been transferred, as aforesaid, shall present its claim against the county from which said students have been transferred and the same procedure thereon shall be had as in case of other claims against a county.

Transfer fund.

Commissioners to pass on budget.

Section 90. At the next regular meeting of board of county commissioners the board shall either approve or reject such budget or budgets. Provided, however, that in the event the board of county commissioners shall reject any such budgets in whole or in part it shall cause the reasons for its rejection to be spread upon its minutes and a copy thereof to be immediately furnished to the chairman of the board of trustees which has submitted such budget, and provided further that no final action on said budget shall be taken by the said board of county commissioners until after a hearing thereon shall have been had which said hearing shall be held by the said board of county commissioners on the third Monday in July after said budgets shall have been submitted. At said hearing the chairman of the board of county commissioners, or a member of that body appointed by him; the chairman of the board of trustees of the school submitting such budget, or a member of that board appointed by him; and the county superintendent of schools shall constitute a budget board. This budget board shall have the power and it shall be its duty to consider such rejected budget and shall arrive at a budget which shall not be subject to further review. After said board has arrived at a budget, the board of county commissioners shall make a levy sufficient to raise the total amount of all budgets for high school purposes.

Proviso.

Proviso.

Budget Board.

Powers and duties.

Failure of Board to act—Superintendent to act.

Section 91. **Failure of Board of Trustees to Act—Preparation and Submission by County Superintendent.** If for any reason the board of trustees of a district or county high school shall fail to prepare and submit its budget in accordance with section 88 of this chapter, the county superintendent of schools shall himself imme-

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diately determine the moneys needed from the best information at hand and available to him, and himself shall prepare and submit said budget to the board of county commissioners with the specific reasons for his action, and thereafter such proceedings shall be had as if said budget had been prepared and submitted by said board of trustees.

Section 92. **High School Fund—Disbursements Therefrom.** The moneys apportioned to any school district or county high school under this chapter shall be held by the county treasurer of the county to the credit of the school district or county high school as its high school fund, and distinct from all other public moneys; disbursements therefrom shall be made for high school purposes only by warrant specifying on its face the consideration for which it is issued.

High school fund.

Disbursements.

Section 93. **Administration of High School Funds.** The county treasurer shall not pay out any moneys collected for the maintenance of high schools by the levy of the special high school tax until the county superintendent of schools has apportioned the proceeds of such tax among the high schools entitled to share therein and in the manner provided by law. But the board of trustees of any county high school or school district maintaining a district high school may draw warrants against the high school fund before apportionment provided that the aggregate of all such warrants does not exceed one-half (½) of the anticipated share of the high school in the tax; and provided that nothing herein contained shall be construed as prohibiting the issuance and payment of warrants of any board of trustees of a county high school or of a school district maintaining a district high school out of any other moneys belonging to the said high school or high schools, which may have been theretofore apportioned to it, or which may have been received from other sources and are not subject to apportionment by the county superintendent of schools as in the case of the proceeds of the special high school tax.

Administration of funds.

Section 94. **Apportionment of High School Funds to Joint Districts.** For the purpose of preparing and submitting of budgets and apportionments, every accredited high school maintained by a joint school district shall be considered as though it were situated in every county in

Apportionment of funds to joint districts.

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which any part of the joint school district is found, and regardless of the actual situs of the school. Every joint school district maintaining a high school accredited by the State Board of Education shall share in the apportionment of the proceeds of the special high school tax of every county in which any part of the joint district is located, provided, however, that in computing the enrollment of the high school every county superintendent of every such county shall include, for the purpose of apportioning the high school funds of the county, only the pupils attending such joint district high school who actually reside within his county.

Consolidation.

Section 95. **Consolidation.** Whenever it shall appear to the board of county commissioners to be for the best interests of any two or more high schools in the county and for the high school system in the county as a whole to effect a consolidation of such high schools it shall have the power and authority to effect such consolidation and to determine all questions involved in effecting such consolidation, provided, however, that before such consolidation shall become effective it shall be approved by the State Superintendent of Public Instruction.

TITLE VI.

PART TIME HIGH SCHOOLS

Part time high schools.

CHAPTER 1.

ORGANIZATION

Organization.

Establishment of school and classes.

Section 96. **Establishment of Part Time High Schools and High School Classes.** The board of trustees of any high school district or of any county high school may establish part time high schools or high school classes for eligible pupils residing or employed within the jurisdiction of the board, who are over fourteen (14) years and less than twenty-one (21) years of age and who have left the regular full-time day schools to work.

Purpose.

Section 97. **Part-Time High Schools—Purpose.** Part-time high schools and high school classes shall provide courses of study for children who are employed and are between the ages of fourteen years (14) and twenty-one (21) years. Such courses shall either supplement the work in which the pupils are engaged or shall continue their general education already begun in the regular full-

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time day schools, or shall tend to stimulate and improve their civic and vocational intelligence.

Reimbursements for teachers' salaries.

Section 98. **Reimbursement for Salaries of Teachers of Part-Time High Schools and High School Classes.** Whenever the board of trustees of any school district or county high school shall establish a part-time high school or part-time high school classes in accordance with this chapter and pursuant to the rules and regulations and with the approval of the State Board of Education, it shall be entitled to be reimbursed for the salaries paid the teachers in the part-time high school or of the part-time high school classes to the extent of fifty per centum (50%) of the salaries paid, such reimbursement to be made from any funds of the state, whether derived from the federal government or otherwise, which may be available for the promotion of vocational education.

TITLE VII.

NIGHT SCHOOLS

Night schools.

CHAPTER 1.

ORGANIZATION

Organization.

Establishment.

Section 99. **Night Schools—Establishment.** The board of trustees of any school district or county high school shall have the power to organize and maintain outside of the hours of the regular full-time day high school special sessions of the high school to be held in the evening, or at such other convenient time as the board may fix. Such special sessions shall be known as night high schools.

Attendance.

Section 100. **Attendance.** Attendance at any night high school shall be free to all pupils residing in the district or county, as the case may be, who are eligible for admission to high school under the rules and regulations of the State Board of Education.

Maintenance.

Section 101. **Maintenance.** The expenses of the maintenance of night high schools may be paid in the same manner and out of the same funds as the expenses of the regular full-time day high schools are paid, and for all purposes shall be deemed and held to be expenses of the maintenance of the regular high school.

Administration.

Section 102. **Administration.** The board of trustees on the recommendation of the county high school prin-

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cipal or district superintendent shall specify the subjects to be taught in the night high schools, and shall make all necessary rules and regulations for the sessions, the admission, promotion and graduation of pupils, and in general for the effective conduct and administration of such schools, but in no case, however, inconsistent with law or with the rules and regulations of the State Board of Education.

TITLE VIII.

Vocational schools.

VOCATIONAL SCHOOLS

CHAPTER 1.

Organization.

ORGANIZATION

Acceptance of Acts of Congress for promotion of vocational education.

Section 103. **Acceptance of Acts of Congress for Promotion of Vocational Education.** The State of Montana hereby reaffirms the acceptance of and assents to the terms and provisions of the Act of Congress entitled "An Act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure", as heretofore expressed by the Fifteenth Legislative Assembly of the State of Montana, Chapter 102 of the Session Laws of 1917, and by the Sixteenth Legislative Assembly of the State of Montana, Chapter 192 of the Session Laws of 1919 and further hereby accepts and assents to the terms and provisions of all Acts of the Congress amendatory of the Act foregoing, and to the terms and provisions of an Act entitled, "To provide for cooperation with the several states and territories in care, treatment, education, vocational guidance and placement, and physical rehabilitation of crippled children, and for other purposes".

Rules and regulations.

Section 104. **Rules and Regulations to Be Adopted by the State Board of Education.** The State Board of Education shall have authority to adopt all necessary rules and regulations governing the establishment, conduct and administration of vocation courses, including the power to fix the qualifications of instructors and the course of study to be followed. But such rules and regulations

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adopted and all courses of study prescribed in accordance shall conform to the requirements of the federal board of vocational education.

Advisory committee.

Section 105. **Advisory Committee — Compositions—Qualifications of Members—Meetings—Power and Duties —Expenses.** The State Board of Education may appoint an advisory committee consisting of four (4) citizens of the State and the State Superintendent of Public Instruction, or a person designated by him. Of the four (4) citizens appointed, one (1) shall be a representative of the manufacturing and commercial interests, one (1) a representative of the agricultural interests, one (1) a representative of skilled labor, and one (1) a representative of home-making interests. This advisory committee shall meet upon the call of the State Superintendent of Public Instruction. It shall have power to call to the attention of the State Board of Education any matter relating to vocational education which in its judgment should be considered by the State Board of Education; and to present to the State Board of Education its recommendations for the adoption by the said board of any plan for cooperation between the State of Montana and the federal government in the promotion of vocational education in the State, and its recommendations concerning any proposed changes in legislation affecting vocational education, and its recommendations relative to any proposed publication by the state board or announcement of its principles and policies insofar as the interests and welfare of vocational education may be concerned.

Compositions.

Qualifications.

Meetings.

Powers and duties.

Expenses.

The members of this advisory committee shall be entitled to their actual expenses in attending its meetings, such expenses to be paid from any moneys appropriated for the promotion of vocational education.

Cooperation of State Board with local Boards of School Trustees in vocational education.

Section 106. **Cooperation of the State Board of Education with Local Boards of School Trustees in Vocational Education.** The State Board of Education shall have authority to cooperate with the several boards of trustees of school districts and boards of trustees of county high schools in the establishment and maintenance in the public elementary schools and public high schools of the state appropriate courses for vocational training in agriculture, home economics, the trades and industries and commercial branches.

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Duties of Superintendent of Public Instruction.

Section 107. **Duties of Superintendent of Public Instruction.** The Superintendent of Public Instruction shall be the executive officer of the State Board of Education for the administration of the Acts of Congress mentioned in section 103 and of all laws of the State of Montana relating thereto. By and with the advice and consent of the State Board of Education he shall employ such assistants as may be necessary properly to carry out the provisions of the said Acts of Congress and of such laws of the State of Montana as may relate thereto. He shall put into effect such rules and regulations as the State Board of Education may adopt and promulgate for the promotion of vocational education, and shall prepare and submit such reports of the condition of vocational education in the State of Montana as the State Board of Education may require. The Superintendent of Public Instruction shall be the custodian of all records of the State Board of Education which pertain to vocational education and shall keep all such records in his office in the Capitol of the State.

Apportionment of funds for vocational education.

Section 108. **Apportionment of Funds for Vocational Education.** The State Board of Education shall apportion all moneys appropriated for vocational education, and any money received for vocational education from the federal government under the Acts of Congress mentioned in section 103, or otherwise to the public elementary schools and public high schools of the State in which there are established and maintained courses for vocational training in agriculture, home economics, the trades and industries and the commercial branches. But no apportionment shall be made to any school until the courses for vocational training in such school and the instructors employed therein shall first have been approved by the State Board of Education. Moneys received from the federal government for the purpose of training teachers, supervisors, and directors of vocational courses, together with all moneys appropriated from time to time by the Legislative Assembly of the State of Montana for a like purpose shall be apportioned by the State Board of Education to the several educational institutions of the State wherein vocational teachers, supervisors and directors are trained under the direction of the said state board.

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Section 109. **State Treasurer as Custodian of Moneys.** The Treasurer of the State of Montana is hereby designated as the custodian of all funds for vocational education. At the direction of the State Board of Education he shall disburse all moneys appropriated from time to time by the Legislative Assembly of the State for purposes of vocational education, and all moneys received by the State of Montana for vocational education from the federal government. With the State Treasurer shall be deposited all funds received from any source for the establishment, support, maintenance or furtherance of vocational education in the State.

State Treasurer as custodian of moneys.

TITLE IX.

MISCELLANEOUS

Miscellaneous.

CHAPTER 1.

GENERAL PROVISIONS

General provisions.

Section 110. **General School Law—When Applicable.** All high schools of the State shall be regulated and governed by the general school laws of the State in any case for which provision is not made in this code.

When applicable.

TITLE X.

REPEAL OF EXISTING STATUTES

Repeal of existing statutes.

CHAPTER 1.

REPEALING CLAUSES

Section 111. **Repeal of Specific Statutes.** Sections 981, 982, 983, 984; 1009, 1058, 1103, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1262, 1263, 1264, 1265, 1266, as amended by Section 1 of Chapter 94 of the Session Laws of 1927, 1267, as amended by Section 2 of Chapter 94 of the Session Laws of 1927, 1268, 1269, 1270, as amended by Section 3 of Chapter 94 of the Session Laws of 1927, 1271, as amended by Section 1 of Chapter 127 of the Session Laws of 1923 and by Section 1 of Chapter 48 of the Session Laws of 1929, 1272, 1273, 1274, 1275, as amended by Section 1 of Chapter 69 of the Session Laws of 1923 and by Section 1 of Chapter 107 of the Session Laws of 1925 and by Section 1 of Chapter 46 of the Session Laws of 1929, 1276, as amended by Section 1 of Chapter 29 of

Repealing clauses.

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the Session Laws of 1929, 1278, 1279, 1280, as amended by Section 1 of Chapter 19 of the Session Laws of 1923, 1281, as amended by Section 1 of Chapter 132 of the Session Laws of 1927, and as amended by Section 1 of Chapter 107 of the Session Laws of 1929, 1282, as amended by Section 2 of Chapter 19 of the Session Laws of 1923, and by Section 1 of Chapter 102 of the Session Laws of 1925, 1294, as amended by Section 1 of Chapter 126 of the Session Laws of 1923, and Section 1 of Chapter 1 of the Session Laws of 1929, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1310a, 1310b, 1310c, 1312, 1313, 1314, 1315, 1316, and 1317, of the Revised Codes of Montana of 1921, and Sections 3 and 4 of Chapter 19 of the Session Laws of 1923, Section 3 of Chapter 109 of the Session Laws of 1929, Chapter 10 of the Session Laws of 1925, Chapter 96 of the Session Laws of 1925, Chapter 117 of the Session Laws of 1927, Chapter 152 of the Session Laws of 1925, Chapter 125 of the Session Laws of 1923, and Chapter 129 of the Session Laws of 1923, saving however all acts done and proceedings taken and had under the said last mentioned chapter the repeal thereof notwithstanding, and all Acts and parts of Acts in conflict herewith, or with any part hereof, are hereby repealed.

Saving clause.

Section 112. If any section, provision, clause, or phrase of this Act be adjudged unconstitutional or invalid by any court of competent jurisdiction for any reason, such adjudication shall not affect the validity of this Act as a whole, or of any section or provision thereof which is not specifically so adjudged unconstitutional or invalid.

Approved March 14, 1931.

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CHAPTER 149.

An Act Designating the Western Meadow Lark, Sturnella-Neglecta (Audubon), as the Official Bird of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Western Meadow Lark, official bird of Montana.

Section 1. The bird known as the Western Meadow Lark, Sturnella-Neglecta (Audubon), as preferred by a referendum vote of Montana school children, shall be designated and declared to be the official bird of the State of Montana.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 14, 1931.

CHAPTER 150.

An Act to Amend Section 12048 of the Revised Codes of Montana of 1921, Relating to Grounds for a New Trial in Criminal Actions and Authorizing the Court to Modify the Judgment if the Evidence Shows that the Defendant is not Guilty of the Degree of the Crime of Which He is Convicted, but is Guilty of a Lesser Degree Thereof, or a Lesser Crime Included Therein.

Be it enacted by the Legislative Assembly of the State of Montana:

New trial in criminal cases.

Section 1. That Section 12048 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

In what cases.

Section 12048. **In What Cases It May Be Granted.** When a verdict has been rendered against the defendant, the court may, upon his application, grant a new trial in the following cases only:

Absence of defendant.

1. When the trial has been had in his absence, whether he be in custody or on bail, if the indictment or information is for a felony.

Evidence outside the case.

2. When the jury has received out of court any evidence other than that resulting from a view of the premises, or any communication, document or paper referring to the case.

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Separated jury.

Misconduct.

3. When the jury has separated without leave of the court, after retiring to deliberate upon their verdict, or been guilty of any misconduct by which a fair and due consideration of the case has been prevented.

Lot decision.

4. When the verdict has been decided by lot, or by any means other than a fair expression of opinion on the part of all the jurors, which may be shown as provided in the Code of Civil Procedure.

Misdirection to jury.

Erred on question of law.

5. When the court has misdirected the jury in a matter of law, or has erred in the decision of any question of law arising during the course of the trial.

Verdict contrary to law or evidence.

Modification of judgment.

6. When the verdict is contrary to law or evidence, but if the evidence shows the defendant to be not guilty of the degree of the crime of which he was convicted, but guilty of a lesser degree thereof or of a lesser crime included therein, the court may modify the judgment accordingly without granting or ordering a new trial, and this power shall extend to any court to which the cause may be appealed.

New evidence.

Affidavits.

7. When new evidence is discovered material to the defendant and which he could not, with reasonable diligence, have discovered and produced at the trial. When a motion for a new trial is made upon the ground of newly discovered evidence, the defendant must produce at the hearing, in support thereof, the affidavits of the witnesses by whom such evidence is expected to be given, and if time is required by the defendant to procure such affidavits, the court may postpone the hearing of the motion for such length of time as, under all the circumstances of the case, may seem reasonable.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 16, 1931.

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CHAPTER 151.

An Act to Create a State Bureau of Criminal Identification and Investigation and Defining its Powers and Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Bureau of Criminal Identification.

Section 1. There is hereby created under the authority and supervision of the Warden of the Montana State Prison a State Bureau of Criminal Identification and Investigation to be located at Deer Lodge, Montana. Upon the taking effect of this Act, the Warden of the Montana State Prison, with the approval of the Governor, shall appoint a well qualified person as Superintendent of said bureau.

Equipment.

Section 2. The bureau shall be supplied with such furniture, fixtures, apparatus and materials as may be necessary for the collection, filing and preservation of all criminal records filed with the bureau.

Records.

Section 3. The superintendent shall procure and file for record photographs, pictures, descriptions, finger prints, measurements and such other information as may be pertinent, of all persons who have been or may hereafter be convicted of felony within the State, and of all well-known and habitual criminals from wherever procurable, and it shall be the duty of the person in charge of any state institution to furnish any such material to the superintendent of the State Bureau of Criminal Identification upon request of the superintendent. The superintendent shall cooperate with and assist sheriffs, chiefs of police and other law officers in the establishment of a complete state system of criminal identification and in obtaining finger prints and other means of identification of all persons arrested on charge of felony. He shall also file for record the finger print impressions of all persons confined in any work-house, jail, reformatory, penitentiary, for the violation of state laws, and such other information as he may receive from law enforcement officials of the State and its subdivisions.

Material.

Criminals charged with felony.

Other violations.

Duty of officers.

Section 4. It is hereby made the duty of the sheriffs of the several counties of the State, the chiefs of police of the cities and marshals of villages therein immediately upon the arrest of any person for any felony, to take his

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finger prints according to the finger print system of identification on the forms furnished by the superintendent, and forward the same, together with such other description as may be required and with the history of the offense committed, to the bureau to be classified and filed, but should any accused be found not guilty of the offense charged, then said finger prints and description shall be given to the accused upon his request. The superintendent of the State Bureau of Criminal Identification shall report any dereliction in the performance of his duty by any sheriff, chief of police, or marshal, or any dereliction in the duty imposed upon any person having charge of any state institution as provided in Section 3 of this Act, to the Governor, who shall make immediate investigation thereof, and upon the order of the Governor the proper disbursing officer shall not issue any salary voucher to any said official found by the Governor to be derelict in the performance of the duties provided by this enactment until such dereliction has been corrected. The superintendent shall compare the description received with those already on file in the bureau, and if he finds that the person arrested has a criminal record or is a fugitive from justice, he shall at once inform the arresting officer of such fact; and in order to facilitate the work of identification, the name or names under which each person whose identification is thus filed is known, shall be alphabetically indexed by the superintendent.

Return on release.

Penalty on officers for dereliction in duty.

Information on arrest.

Index.

Misdemeanors.

The provisions of this section shall not apply to violators of city ordinances or those arrested for misdemeanors.

Cooperation with other bureaus.

Section 5. It shall be the duty of the superintendent to cooperate with the bureaus in other states and with the national bureau of the Department of Justice in Washington to develop and carry on a complete interstate, national and international system of criminal identification and investigation.

Assistance to officers.

Section 6. It shall be the duty of the superintendent to afford assistance and, when practicable, instruction to sheriffs, chiefs of police and other law officers in the establishment of efficient local bureaus of identification in their district and in making them proficient in procuring finger print records.

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Section 7. A person with a known criminal record shall not be permitted access to the files of the bureau. Access of criminals to files forbidden.

Section 8. The State Legislature shall make the necessary appropriation for the purpose of paying the expenses necessary to carry into effect and operation the said bureau and to maintain and operate the same. Appropriation.

Section 9. Should any section or provision of this Act be decided by the courts to be invalid, the same shall not affect the validity of the Act as a whole or any part thereof, other than the part so decided to be invalid. Saving clause.

Section 10. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 16, 1931.

CHAPTER 152.

An Act to Amend Sections 3696 and 3697 of the Revised Codes of the State of Montana, 1921, as Amended by Chapter 192 of the Laws of the Nineteenth Legislative Assembly of the State of Montana, 1925, and Again Amended by Chapter 59 of the Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, Relating to Open Season for Elk and Deer.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3696 of the Revised Codes of Montana, 1921, as amended by Chapter 192 of the Laws of the Nineteenth Legislative Assembly of the State of Montana, 1925, and Chapter 59 of the Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, be and the same is hereby amended to read as follows:

Section 3696. **Open Season for Elk.** The open season for elk shall begin October fifteenth (15th) and end November fifteenth (15th) both dates inclusive, of each year. The closed season for elk shall begin November sixteenth (16th) of each year and end October fourteenth (14th) of the following year, both dates inclusive; provided, however, that in all of that portion of Ravalli County drained by the West Fork of the Bitter Root River and in all of that portion of Ravalli County lying Open season for elk. Proviso.

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west of the Bitter Root River and north of the confluence of the East and West Forks of said Bitter Root River; the open season for elk shall begin with the twentieth (20th) day of September and end with the twentieth (20th) day of October, both dates inclusive, except, however, that the State Fish and Game Commission may in its discretion shorten the open season in such territory in Ravalli County; provided further that during the open season one elk of either sex may be killed in that portion of Mineral County lying south of the Missoula River and East of the Little Saint Joe Game Preserve. During the open season for elk it shall be unlawful and punishable as hereinafter provided, for any person to shoot, or kill, or take or cause to be shot, or killed, or taken, more than one (1) elk, or for any person during the closed season for elk, to pursue, hunt, shoot, kill, take or capture or cause to be pursued, hunted, shot, killed, taken or captured, or attempt to shoot, kill, take or capture, any elk, or for any person responsible for the death of any elk to wilfully waste any portion or portions of said elk which are suitable for food; provided, also, that it shall be unlawful and a misdemeanor, punishable as in this Act provided, for any person at any time to pursue, hunt for, shoot, kill, take or capture, or cause to be shot, killed, taken or captured, or attempt to shoot, kill, take, or capture, any elk within the counties or parts of counties hereinafter described and which are designated hereby as "preserve for elk", the same to remain closed until opened by the State Legislature, or by order of the State Fish and Game Commission, which Commission is hereby authorized to provide limited open seasons in such counties and for such areas as in its judgment is warranted and to provide necessary rules and regulations governing such limited open seasons.

Proviso.

Proviso.

Proviso.

Preserve for elk.

The following named counties, as a whole: Deer Lodge, Fergus, Chouteau, Valley, Golden Valley, Daniels, Roosevelt, Fallon, Wibaux, Richland, Granite, Phillips, Stillwater, Sanders, Silver Bow, Broadwater, Musselshell, Hill, Sheridan, Judith Basin, McCone, Big Horn, Lincoln, Rosebud, Mineral, Beaverhead, Powder River, Garfield, Carbon, Cascade, Meagher, Blaine, Yellowstone, Liberty, Carter, Custer, Prairie, Dawson, Toole, Ravalli, Treasure, Wheatland, Lake, Jefferson and Sweet Grass. Provided

Counties as a whole.

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that one (1) elk of either sex may be killed in that part of Granite County lying south and west of the Deer Lodge River from and including November 12th to and including November 15th of the same year. Granite county exception.

All of Lewis and Clark County, except that portion lying and being within the following described boundaries: Beginning at the point where the Big Blackfoot River intersects the county line between Lewis and Clark and Powell Counties, running thence up the north bank of the Blackfoot River to the mouth of Cadotte Creek, thence up Cadotte Creek to the top of the Continental Divide, thence northerly along the Continental Divide to Scapegoat Mountain where the headwaters of the North Fork of the Blackfoot begin, thence down the North Fork of the Blackfoot River to its intersection with the county line between Lewis and Clark and Powell Counties, thence along said county line to the point of beginning. In said excepted portion of Lewis and Clark County the open season on elk shall begin November first (1st) and end November fifteenth (15th), both dates inclusive, of each year. Lewis and Clark.

Also all of Missoula and Powell Counties, except the drainage area of the Clearwater River and its tributaries and that portion of said counties north of the Big Blackfoot River and east of the drainage area of the Clearwater River and except that portion of Missoula County within the drainage area of Swan River and its tributaries and except that portion of Missoula and Powell Counties within the drainage area of the South Fork of Flathead River and its tributaries. Missoula and Powell counties.

All of Gallatin County shall be open to elk hunting except that portion lying north of the township line between townships three (3) and four (4) north. Gallatin.

Provided further, that nothing herein shall be construed to authorize the hunting of game of any kind within the Spotted Bear Game Preserve, Sun River Game Preserve, or the Gallatin Game Preserve, or any other game preserve or refuge now established, or which may be hereafter established, by the State Legislature or by orders of the Fish and Game Commission. Preserves.

Provided further, that elk may be killed as provided herein, in the County of Park from and including October

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fifteenth (15th) to and including the twentieth (20th) day of December of any year, except that the State Fish and Game Warden shall, in his discretion, have power to shorten such season and declare said Park County closed to the hunting or killing of elk at any time during the open season in Park County, upon giving no less than five (5) days' notice thereof by publishing such notice in at least one (1) newspaper of general circulation published in said Park County, which said publication shall be at least five (5) days prior to the time fixed by such Warden for the closing of such season. And provided further, that it shall be unlawful and a misdemeanor, punishable as in the section provided, for any person to shoot or kill or attempt to kill any elk in Park County between the hours of five (5) P. M. of any day and eight (8) A. M. of the following day, Mountain time. Any person violating any of the provisions of this section or any of the orders of the Fish and Game Warden relating hereto shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment in the County Jail for not less than thirty (30) days or not more than six (6) months or by both such fine and imprisonment.

Park county.

Penalty.

Chapter 32, Session Laws 1929. That the open season for elk in Teton County, Montana, not included within a game preserve, and all that portion of Lewis and Clark County, Montana, lying north of the North Fork of the Dearborn River, and not included within the game preserve, shall begin October 15, and end December 1, both dates inclusive, of each year; provided, however, that the Montana State Fish and Game Warden shall in his discretion have power to shorten such season in said territory and declare said territory closed to the hunting or killing of elk at any time during the open season therein upon giving no less than five (5) days' notice thereof.

Teton county.

During the open season for elk in the territory described and set forth in Section 1 of this Act, it shall be unlawful and a misdemeanor punishable as hereinafter provided, for any person to shoot, kill, take or cause to be shot, killed, taken, more than one elk, or for any person during the closed season for elk to pursue, hunt, shoot, kill, take, capture, or cause to be pursued, hunted,

Penalty.

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shot, killed, taken or captured, or attempt to shoot, kill, or take any elk within said territory or for any person responsible for the death of any elk to wilfully waste any portion or portions of said elk which are suitable for food. Waste.

Any person violating any of the provisions of this Act or any of the orders, rules, or regulations of the Montana State Fish and Game Commission relating hereto, or made pursuant to the authority given it by this Act, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment. Penalty.

Section 2. That Section 3697 of the Revised Codes of Montana, 1921, as amended by Chapter 192 of the Laws of the Nineteenth Legislative Assembly of the State of Montana, 1925, and Chapter 59 of the Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, be and the same is hereby amended to read as follows:

Section 3697. **Open Season for Deer.** That open season for deer shall begin October fifteenth (15th) and shall end November fifteenth (15th), both dates inclusive, of each year. The closed season for deer shall begin November sixteenth (16th) of each year and end October fourteenth (14th) of the following year, both dates inclusive; provided, however, that in all of that portion of Ravalli County drained by the west fork of the Bitter Root River, and in all of that portion of Ravalli County lying west of the Bitter Root River and north of the confluence of the east and west forks of said Bitter Root River, the open season for deer shall begin with the twentieth (20th) day of September and end with the twentieth (20th) day of October, both dates inclusive, of each year; and be it further provided that in the counties of Sanders, Mineral, Ravalli, Missoula, Flathead, Lincoln, Granite, Powell and Lake the open season for deer shall begin with the twenty-fifth (25th) day of October and end with the twenty-fifth (25th) day of November, both dates inclusive of each year; and provided, further, however, that it shall be unlawful and a misdemeanor, Open season for deer. Proviso. Proviso. Proviso.

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punishable as in this Act hereinafter provided, for any person to shoot, hunt, kill, take or capture, or cause to be shot, killed, taken or captured, any deer, at any time within the counties of Yellowstone, Daniels, Sheridan, Rosebud, Custer, Musselshell, Powder River, Carter, Richland, Roosevelt, McCone, Dawson, Carbon, Phillips, Prairie, Garfield, Petroleum, Treasure, Liberty, Toole, Blaine, Teton, Valley, Fergus and also all of Glacier and Pondera Counties lying within the Lewis and Clark National Forest; and also all of that portion of Gallatin County lying and being north of the south line of township four (4), north, M. P. M. and that part of Big Horn County lying east of 107th Meridian.

One male deer.

During the closed season for deer it shall be unlawful for any person to take, hunt, shoot, kill or capture, or cause to be taken, hunted, shot, killed or captured any deer; during the open season for deer it shall be unlawful for any person to shoot or kill or cause to be shot or killed any deer other than one (1) male deer with horns not less than four (4) inches in length above the top of the skull. Provided, however, that it shall not be unlawful to take one deer of either sex in Mineral, Glacier, Lake, Flathead, Lincoln, Sanders and Ravalli Counties. It shall also be unlawful and a misdemeanor punishable as in this Act hereinafter provided, for any person responsible for the death of any deer to wilfully waste any portion or portions of said deer suitable for food.

Counties excepted.

Waste.

Penalty.

Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as in this Act hereinafter provided.

Boundaries of cities or towns.

Section 3. It shall be unlawful to shoot, kill, take or cause to be shot, killed, taken or captured, or to attempt to shoot, kill, take or capture any elk or deer within the boundaries of any incorporated or unincorporated city or town of this State.

Penalty.

Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as in this Act hereinafter provided.

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Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 16, 1931.

CHAPTER 153.

An Act to Regulate and License the Sale of Commercial Fertilizer, to Provide for the Inspection of Fertilizing Materials, and Fixing Penalties for Violation of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The term "commercial fertilizer" shall be held to include any and every substance imported, manufactured, prepared or sold for fertilizing, manurial, soil enriching or soil corrective purposes, the retail price of which is Ten Dollars ($10.00) or more per ton; provided, however, that this Act shall not apply to any stocks that may be in the hands of dealers in the State of Montana at the time this Act goes into effect, nor shall it apply to bone meal manufactured in Montana from sun-cured prairie bones, nor shall it apply to animal manure which has not been artificially treated, or to materials sold to each other by manufacturers or importers. Definition of commercial fertilizer.

Section 2. Every lot or parcel of mixed commercial fertilizer sold, offered or exposed for sale, or distributed within this State shall have on each bag or container, in a conspicuous place on the outside, a legible and plainly printed statement in the English language, clearly and truly certifying: Statement on container.

(a) The net weight of the contents of the package, lot or parcel; Weight.

(b) The name, brand or trademark; Name.

(c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market; Manufacturer.

(d) The minimum percentage and source of nitrogen in available form; Nitrogen.

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Potash. (e) The minimum percentage and source of potash K^2O, soluble in distilled water;

Phosphoric acid. (f) The minimum percentage and source of available phosphoric acid P^2O^5, and also of total phosphoric acid.

None other statement. No other statement of chemical compounds, except as above, shall be placed upon any such container.

Statement for unmixed materials. Section 3. All bags or containers of unmixed materials, such as nitrate of soda, sulphate of ammonia, sulphates and muriates of potash, limestone, gypsum or other fertilizer or soil correcting substances shall have stamped thereon a plain statement in the English language, of the name of said material and the guaranteed per cent, of the element or elements contained which give such commodity its value as a fertilizer. No acid phosphate shall be sold or offered for sale in the State of Montana which shall contain less than sixteen per centum (16%) total available P^2O^5.

Grade. Section 4. No mixed fertilizer shall be sold or offered for sale in the State of Montana which shall contain less than sixteen per centum (16%) total nitrogen, P^2O^5 and K^2O taken collectively. The P^2O^5 must be available, the K^2O must be soluble in distilled water, and the nitrogen must not include inert forms such as untreated leather, hair, peat and the like.

Registration. Section 5. Before any commercial fertilizer is sold or offered for sale within the State of Montana, the manufacturer, importer or party who causes it to be sold, or offered for sale, shall separately register with the Commissioner of Agriculture of the State of Montana, each and every brand of commercial fertilizer he offers for sale, and shall pay annually to said commissioner, on or

Fee. before the 31st day of December, a license fee of Twenty-five Dollars ($25.00) for each and every brand of commercial fertilizer so registered and offered for sale in this State, and shall at the same time file with said commissioner a certified copy of the statement and certificate referred to in Sections 2 and 3 of this Act, and shall

Sample. also deposit with said commissioner a sealed glass jar containing not less than two (2) pounds of such fertilizer,

Affidavit. with an affidavit that it is a fair sample of the article thus to be sold, or offered for sale. The said Commis-

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sioner of Agriculture may refuse to register materials whose value in improving soil conditions cannot be established by experimental evidence.

Section 6. The chemist of the Commissioner of Agriculture shall at least once each year obtain at least one (1) sample of each brand of commercial fertilizer offered for sale in this State, to make proper analyses and tests to determine (1) the net weight of the contents of each package examined; (2) the percentage of nitrogen in available form; (3) the percentage of potash K^2O, soluble in distilled water, and (4) the percentage of available phosphoric acid P^2O^5, and also the total phosphoric acid, and to inspect labels on each parcel or container, and determine whether or not they conform to the provisions of this Act.

Sample for tests and analyses.

Section 7. All samples taken hereunder for the chemist of the Montana Agriculture Experiment Station, or his agent, must be composites of equal portions taken from at least five (5) original packages in such manner as to be truly representative of the contents of the package. Such samples shall be thoroughly mixed and immediately placed in containers which exclude air. Analyses of such samples shall be made in accordance with the methods of the Association of Official Agricultural Chemists.

Samples how taken.

Section 8. In case of the analyses of samples made by the chemist of the Experiment Station, or his agent, indicates deficiencies below guaranteed analysis in the fertilizer examined, he shall immediately notify the manufacturer or seller of such fertilizer of the results of his analyses. The manufacturer or seller of such fertilizer may, upon request, obtain from the chemist a portion of the samples in question. If he fails to agree with the analyses of the chemist of the Experiment Station, he may request an umpire who shall be one (1) of the list of not less than three (3) public chemists of recognized ability in fertilizer analysis, who shall be named by the chemist of the Experiment Station. Such umpire analyses shall be made at the expense of the manufacturer or seller requesting the same. In case the umpire shall agree more closely with the chemist of the Experiment Station, the figures of the latter shall be considered correct, and in case the umpire shall agree more closely with

Notice of deficiencies.

Umpire.

Decision.

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the figures of the manufacturer or seller, then the figures of the manufacturer or seller shall be considered correct.

Section 9. All such analyses of commercial fertilizer, as required by this Act, shall be reported to the Commissioner of Agriculture of the State of Montana, and all expenses for such analyses, together with supplies of all kinds needed for making the same, and also the traveling and other expenses incurred in collecting samples, as required herein, shall be paid out of the fund arising from the license fees provided for in Section 5.

Expenses.

Section 10. The Commissioner of Agriculture of the State of Montana shall publish in his annual report a correct statement of all analyses made and certificates filed in his office, together with a statement of all moneys received for license fees and expended for analyses. Any surplus from license fees remaining on hand at the close of the fiscal year shall be placed to the credit of the State Department of Agriculture.

Report of Commissioner.

Surplus.

Section 11. Any corporation, co-partnership or person who shall sell, or offer for sale, any commercial fertilizer in this State without first having complied with the provisions of this Act, or who shall attach or cause to be attached to any bag or sack or other container of such fertilizer an analysis stating that it contains a larger per cent of any one (1) or more of the constituents or ingredients named in this Act than it really does contain shall be guilty of a misdemeanor and shall upon conviction thereof be fined not less than One Hundred Dollars ($100.00), nor more than One Thousand Dollars ($1,000.00) for each offense, and such offender shall also be liable to the purchaser of such fertilizer for all damages sustained by said purchaser on account of said misrepresentation; provided, however, that for any deficit less than five per centum (5%) in weight, or any deficit less than five per centum (5%) in one (1) or more of the constituents or ingredients of such fertilizer the manufacturer or seller shall not be liable to any penalty, or for damages hereunder.

Penalty.

Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 16, 1931.

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CHAPTER 154.

An Act to Amend Chapter 57 of the Session Laws of the Twentieth Legislative Assembly of Montana, Relating to Building and Loan Associations, Foreign and Domestic; by Enacting a New Section to be Designated as Section 7A, Forbidding Fiscal Agency or Promotion Contracts Without the Approval of the Superintendent of Banks and Declaring a Violation Thereof to be a Misdemeanor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That an additional Section to Chapter 57 of the Session Laws of the Twentieth Legislative Assembly of Montana, numbered 7A, be, and the same is hereby enacted to read as follows:

Contracts of associations to handle business are void unless approved by Superintendent of Banks.

Section 7A. No fiscal agency or promotion contract or any other contract or arrangement whereby the membership fee, or any other income properly payable to the association, or any part thereof, shall be payable to an agent or other contracting party or otherwise than to the association, or whereby any part of the business of such association or the management or conduct of its affairs or the expense thereof is contracted to another, shall be entered into or allowed until the same has been submitted to the Superintendent of Banks and by him approved in writing; nor shall any such contract be extended without such approval. Any such contract, or the extension of any such contract, not so first approved shall be null and void. Any person operating under such a contract or extension, not so first approved or taking or receiving any such income properly payable to the association without such approval, shall be guilty of a misdemeanor.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 16, 1931.

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CHAPTER 155.

An Act Creating a Mississippi Valley Water Conservation Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Mississippi Valley Water Conservation Commission.

Section 1. There is hereby created a Mississippi Valley Water Conservation Commission of the State of Montana, which shall be composed of five (5) members, two (2) of whom shall be the Governor of the State and the State Engineer and the other three (3) shall be appointed by the Governor. The term of office of the appointed members and their successors shall be two (2) years. The members of the Commission shall receive no compensation but shall be reimbursed for their necessary and actual traveling expenses and subsistence.

Compensation.

Duties.

Section 2. Said commission shall give special study to a general water conservation program for the Mississippi River and its tributaries with special reference to flood control, navigation, irrigation, water supply and recreational centers and shall arrange for the proper representation of the State of Montana at conferences, conventions and congressional or legislative hearings dealing with such problems. It shall have authority to employ a secretary and necessary stenographic assistance and such professional and technical services as may be required at a reasonable compensation to be determined by the commission.

To act in conjunction with other commissions.

Section 3. Said commission is further authorized and empowered to act in conjunction with other and similar commissions or boards of other states, and to jointly, with such other commissions and boards, employ clerical help or technical and professional services that may be required to bring to the attention of the National Congress and to other interested bodies and organizations the wishes and needs of the states of the Mississippi Valley with respect to the proper control, distribution, conservation and utilization of water.

Appropriation.

Section 4. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Two Thousand Dollars ($2,000.00) or so much thereof as may be necessary to carry out the purposes of this Act during the biennium from July 1, 1931, to June 30, 1933.

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Section 5. This Act shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Repealing clause.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 16, 1931.

CHAPTER 156.

An Act to Amend Section 1533 of the Revised Codes of Montana, 1921, as Amended by Section 1, Chapter 126, Session Laws of 1925; Relating to the Appointment of Officers, Rules and Regulations, Salaries, Suspension of Subordinates, Officials and Employees of the Soldiers' Home.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 1533 of the Revised Codes of Montana, 1921, as amended by Section 1, Chapter 126, Session Laws of 1925, shall be, and the same hereby is amended to read as follows:

Qualifications and salary of Commandant.

Section 1533. The board of managers shall appoint a commandant of the Soldiers' Home, who shall receive a salary not to exceed Two Hundred Dollars ($200.00) per month, who shall be a resident of the State of Montana, and shall have served in the Army or Navy of the United States during the late war of the rebellion or in the Spanish-American War, or in the World War, and shall have received an honorable discharge therefrom.

Rules.

They shall formulate and publish all necessary rules and regulations to be reasonably and impartially enforced by the commandant of the Home, subject to appeal to the board of managers.

Officials and employees.

All subordinate officials and employees of the Home shall preferably be selected from residents of the State who have served in the Army or Navy of the United States and have been honorably discharged therefrom.

Salaries to be fixed by board of managers.

The salaries of the commandant and all subordinate officials and such other employees as may be necessary shall be fixed by said board of managers; provided, that

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the compensation so paid shall in no case exceed such reasonable and necessary compensation as is paid for like services in similar institutions.

Discharging of subordinates.

Any such subordinate official or employee may be suspended or discharged by such commandant for inefficiency or misconduct and a statement of the case shall be reported to the said board, who shall upon application offer such official or employee a hearing, and the action thereon of the board shall be final.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

CHAPTER 157.

An Act to Amend Sections 192 and 196 of the Revised Codes of Montana, 1921, Relating to the Duties of the State Treasurer and State Boards, Commissions, Bureaus, Departments and Institutions, Relative to the Deposit of State Funds and Securities.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 192 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Duties of State Treasurer.

Section 192. The State Treasurer is hereby designated the treasurer of each and every state board, commission, bureau, department and state institution, now existing or hereafter to be created or established. All departments of the state government located at the Capitol shall deposit with the State Treasurer daily all moneys, credits, evidences of indebtedness and securities received,

Receive all moneys and keep account.

and the State Treasurer shall give such departments credit on their suspense accounts, which the State Treasurer is hereby directed to set up, and such deposits shall be subject to the final payment of all items, and the State Treasurer is directed to charge back against such suspense accounts all items unpaid for any reason.

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State moneys of institutions not at Capitol.

All state boards, commissions, bureaus, departments and state institutions not located in the Capitol shall deposit daily all moneys, credits, evidences of indebtedness and securities in banks located in the city or town in which such boards, commissions, bureaus, departments and state institutions are situated, provided there is a qualified bank in such city or town, to be designated by the State Treasurer with the approval of the State Depository Board, or with the State Treasurer. Such banks shall furnish indemnifying bonds or pledge securities in amounts sufficient to cover all such deposits at all times, and such deposits shall be made in the name of the State Treasurer, and shall be subject to withdrawal at his option, and such deposits shall draw interest as other state moneys. Indemnifying bonds and pledged securities shall be subject to the approval of the State Depository Board.

Banks and bonds.

Reports and settlements with Treasurer.

On the fifteenth and the last day of each calendar month, every department, state board, commission, bureau, state institution, and every other employee or agent of the State of Montana shall make report and settlement with the State Treasurer, and the State Treasurer shall issue his official receipts to all departments, state boards, commissions, bureaus, state institutions and other employee or agent, reserving the right to hold in his possession such receipts subject to cancellation until all items covered in same shall have been finally paid; provided, however, that the provisions of this Act shall not apply to the operation of the funds of the Workmen's Compensation Act, as prescribed in Chapter 213 of the Revised Codes of Montana of 1921 and Acts amendatory thereto, nor to State Regulatory Boards, nor to the provisions of Section 195 of the Revised Codes of 1921, relating to Revolving funds.

Workmen's Compensation Act exempt.

Section 2. That Section 196 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Board of Examiners may allow privileges.

Section 196. The State Board of Examiners may in its discretion, by resolution duly adopted and entered upon the minutes of said board, permit any state institution to retain in its possession, under such conditions as the board may prescribe, incomes from dormitories conducted by state institutions, and moneys deposited in

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trust by students, members, inmates or other persons, which may be subject to refund to the depositors on demand or otherwise. The State Board of Examiners may cancel such permission and require the deposit of any or all such funds with the State Treasurer at its pleasure; provided, however, that the State Treasurer, with the consent of the State Depository Board, shall designate depositories for such funds and securities, and require indemnifying bonds or pledged securities sufficient to adequately and properly secure the amounts deposited in said depositories.

Privileges may be cancelled.

Certain depositories and bond.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act is hereby deemed and declared to be an emergency Act and in full force and effect from and after its passage and approval.

Approved March 16, 1931.

CHAPTER 158.

An Act to Amend Section 1759 of the Revised Codes of Montana for 1921, as Amended by Chapter 113 of the Session Laws of 1925, as Amended by Chapter 181 of the Session Laws of 1929; Pertaining to Registration and Re-Registration of Motor Vehicles; Providing the Method Thereof; Providing for Applications for and Certificates of Registration, Number Plates and the Exhibition Thereof; Temporary County Treasurer Receipts; Replacement of Number Plates and Certificates; Exemption of Non-Resident Owners of Automobiles; Prescribing the Duties of the County Treasurers and Registrar of Motor Vehicles; Providing Penalties for Operation of Motor Vehicles Without a License and the Time Period and Limitation of Registration and Re-Registration of Motor Vehicles; to Provide Penalties and the Manner of Enforcement Thereof, for Violation of Section 1755 of the Revised Codes of Montana for 1921, as Amended by Chapter 177 of the Session Laws of 1925 and by Chapter 129 of 1927 as Amended by Chapter 181 of the Session Laws of 1929 and of Section 1 of the Proposed Act; and Providing

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That All Registrations and Re-Registrations of Motor Vehicles Shall be Made by the Registrar of Motor Vehicles, But Providing for County Treasurers Taking Applications Therefor and Providing for Permits to Operate Motor Vehicles for a Period of not More Than Ten (10) Days after Such Application Made; Pending the Receipt of Certificate and Number Plates From the Registrar of Motor Vehicles; Providing for Application for Registration or Re-Registration of Motor Vehicles Being Accompanied by Previous Receipt Issued by the Registrar of Motor Vehicles for the Year Preceding; Defining Motor Vehicles; and Repealing All Acts and Parts of Acts in Conflict with the Proposed Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1759 of the Revised Codes of Montana for 1921, as amended by Chapter 113 of the Session Laws of 1925, as amended by Chapter 181 of the Session Laws of 1929, be, and the same is hereby amended to read as follows:

Section 1759. **Registration and Re-Registration of Motor Vehicles.** 1. Every owner of a motor vehicle operated or driven upon the public highway of this State may, for each motor vehicle owned, except as herein otherwise expressly provided, make application to the County Treasurer in which county such motor vehicle is owned or taxable, a verified application for registration or re-registration of motor vehicles for that purpose, and containing the information therein called for. Each application must be accompanied by the registration fee hereinafter named. Registration must be renewed and fees paid annually and application for registration must be filed with such treasurer not later than March fifteenth of each year. The Treasurer of each county is daily required, upon proper forms, to be furnished by the Registrar of Motor Vehicles, to transmit to the said Registrar of Motor Vehicles, all applications for registration or re-registration, received and paid for in his office upon that day, together with a check or draft for the aggregate amounts of license fees accompanying such applications. All applications for registration or re-registration so taken or accepted by such Treasurer shall be made in accordance with instructions to be prepared by

Applications to County Treasurer for registration of motor vehicles.

Forms.

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the Registrar of Motor Vehicles and upon forms prepared by him for that purpose.

Applications for dealers.

2. Every dealer in motor vehicles or automobile accessories shall cause to be filed, by mail or otherwise, in the office of the Registrar of Motor Vehicles, a verified application for registration as a dealer on a blank to be furnished by the Registrar of Motor Vehicles for that purpose, and containing the information therein called for. Each application must be accompanied by the registration fee hereinafter named. Dealer's registration must be renewed and paid for annually, and application for re-registration must be filed not later than March fifteenth of each year. Upon the registration of a dealer, the registrar of motor vehicles shall assign to such dealer a distinctive serial registration number as a dealer and furnish every dealer in motor vehicles with not less than two (2) sets of number plates, and as many more as the fee he shall pay will entitle him to, which number plates shall be similar to number plates furnished by the registrar to owners of motor vehicles but shall bear thereon, in addition to the serial number assigned, such dealer, the word "Dealer" or the letter "D". Nothing contained in this paragraph shall be construed to authorize a dealer in motor vehicles to operate or use any motor vehicle, otherwise than in the usual, ordinary conduct of his business unless registered in accordance with the first paragraph of this section, and upon it being made to appear to the satisfaction of the registrar that any such dealer has used his dealer's license otherwise than in the usual ordinary conduct of his business, the registrar may revoke such dealer's license.

Must have license plates.

3. **Must Have Number Plates.** Except as otherwise provided in Section 3 of this Act, no person shall operate a motor vehicle upon the public highways of this State without a license and unless such vehicle shall have been properly registered and shall have the proper number plates conspicuously displayed, one (1) on the front and one (1) on the rear of such vehicle, each securely fastened so as to prevent the same from swinging and unobstructed from plain view, except that trailers and semi-trailers shall have but one (1) number plate conspicuously displayed on the rear. No person shall display on such vehicle at the same time any number assigned to it

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under any motor vehicle law, except as in this Act otherwise provided.

4. **Replacing Number Plates or Certificates.** In the event of loss, mutilation, or destruction of a certificate of registration or number plate, the owner of the registered motor vehicle, may again register with the registrar of motor vehicles and receive a new number, upon filing in the office of the registrar of motor vehicles a sworn declaration showing the fact and payment of a fee of one dollar ($1.00) for such registration. The original registration shall thereupon be cancelled.

Replacing number plates or certificate.

5. **Exemption of Non-Resident Owners.** The provisions of the foregoing sections relative to registration and display of registration number shall not apply to a motor vehicle not otherwise subject to property tax in this State owned by a non-resident of this State temporarily sojourning in this State, if such motor vehicle be registered in the State, District of Columbia or National Parks, in which the owner thereof resides, and there be displayed thereon the proper number plate of such state, District of Columbia or National Parks, provided, that any non-resident owner of any motor vehicle having sojourned in this State more than ninety (90) days, shall be required to take out a license for such motor vehicle within the State, and the registrar or the sheriff of any county where such vehicle may be found may seize and hold the same until the license for such motor vehicle is paid and license obtained.

Exemption of non-resident owners.

6. **Resident Owners Operating Motor Vehicles Under License Issued by Any State Other Than Montana.** It shall especially be provided that a resident of the State of Montana shall not operate a motor vehicle under a license issued by any other State than Montana.

Resident owners with plates of other states.

7. Dealers and motor vehicles may be registered and re-registered and licenses and certificates issued at any time during the year, but all registration, licenses and certificates shall cease to be effective after March fifteenth of the year subsequent to the year in which the same are issued.

License ends March 15th.

Section 2. Penalty for violation of Section 1755 of the Revised Codes of Montana for 1921, as amended by Chapter 177 of the Session Laws of 1925 and by Chapter

Penalty.

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129 of 1927, as Amended by Chapter 181 of the Session Laws of 1929, and of Section 1 of this Act.

Penalty.

1. The violation of any of the provisions of Section 1755, of the Revised Codes of Montana for 1921, as amended by Chapter 177 of the Session Laws of 1925 and by Chapter 129 of 1927, as amended by Chapter 181 of the Session Laws of 1929, and Section 1 of this Act, except sub-division 5 of Section 1 of this Act, shall constitute a misdemeanor and shall be punishable by a fine of not exceeding Twenty-five Dollars ($25.00). Nothing herein contained shall prevent the prosecution of a person for an offense committed under any other law.

Duties of police.

2. It is hereby made mandatory upon all police and peace officers of the State, of the counties of the State, and of towns, cities and villages to carry out the provisions of Section 1755 of the Revised Codes of Montana for 1921, as amended by Chapter 177 of the Session Laws of 1925 and by Chapter 129 of 1927, as amended by Chapter 181 of the Session Laws of 1929, and Section 1 of this Act.

Treasurer to issue permits.

Section 3. All registrations and re-registrations of motor vehicles made under the provisions of this Act shall be made by the Registrar of Motor Vehicles, and not otherwise, but the treasurer of each county upon receiving and accepting any application for registration or re-registration of a motor vehicle shall deliver to the applicant a permit on a form provided and furnished by the Registrar of Motor Vehicles and in accordance with regulations to be prescribed by said registrar, which permit shall be posted in a prominent place upon the windshield of the motor vehicle for which application for registration or re-registration is made, and such applicant shall have the right under such permit to operate such motor vehicle for a period of not exceeding ten (10) days from and after the date of such permit.

Application must be accompanied with receipt.

Section 4. The treasurer of any county shall not, under any circumstances, accept any application for registration or re-registration of any motor vehicle unless such application be accompanied by the previous registration receipt issued by the registrar of motor vehicles, except in cases of automobiles not previously licensed in Montana.

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Section 5. The word "Motor Vehicle" as used in this Act or any of the sections of this Act shall be deemed to include trailers, semi-trailers, automobiles, auto trucks, motorcycles, cycle motors, and all other vehicles propelled by their own power, used upon the public highways of the State, excepting steam or gas tractors. Definition of motor vehicle.

Section 6. This Act shall become effective and of full force and effect and virtue, on and after March fifteenth, 1932.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 16, 1931.

CHAPTER 159.

An Act Relating to the Floating Indebtedness of Counties Outstanding at the Close of the Fiscal Year Ending June 30, 1931, and Providing for the Issuance of Bonds to Fund Indebtedness or the Levying of Special Taxes to Pay Such Floating Indebtedness.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The board of county commissioners of each county having, at the close of the fiscal year ending June 30, 1931, a floating indebtedness consisting of valid and subsisting outstanding warrants drawn against any fund or funds, or valid and subsisting debts and liabilities payable out of any fund or funds and for which debts and liabilities warrants have not been issued, or consisting of both such outstanding warrants and debts and liabilities, and being without sufficient money in any such fund or funds with which to pay the same, and leave a balance or balances sufficient to meet the expenditures from such fund or funds necessary to be made therefrom during the fiscal year beginning July 1, 1931, may provide for the payment of such floating indebtedness, or so much thereof as is in excess of the money in such fund or funds available for the payment thereof, by one (1) of the two (2) following methods: Board of County Commissioners may provide for deficits. Methods.

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Selling bonds.

(a) Funding the same by issuing funding bonds and selling such bonds in the manner provided by law; provided, however, that such bonds may be issued and sold without the board of county commissioners being required to submit the question of issuing such bonds at an election; and provided, further, that such bonds, when issued, may, with all other outstanding indebtedness of the county exceed, in the aggregate, the limit of indebtedness permitted by statute, but the total of all outstanding indebtedness of the county, including such bonds, must not exceed in the aggregate, the limit of indebtedness permitted such county under Article 13 of the Constitution. Such bonds may be either amortization or serial bonds, the rate of interest thereon must not exceed six per centum (6%) per annum, and such bonds must not be issued for a longer term than ten (10) years, and all of the laws of this State governing the issuance, sale and exchange of county bonds, levying of taxes for payment of principal and interest thereof, and payment and redemption thereof, so far as applicable, shall apply to such bonds.

Election.

Proviso.

Limit.

Kind of bonds.

Special tax.

(b) By levying a special tax or taxes sufficient to pay such floating indebtedness with the interest thereon; provided, however, that the board of county commissioners may levy a special tax or taxes during the fiscal year commencing July 1, 1931, in an amount sufficient to pay the whole of such floating indebtedness, with the interest thereon, during such fiscal year, or such board of county commissioners may levy in each year, beginning with the fiscal year commencing July 1, 1931, a special tax or taxes in an amount sufficient to pay at least twenty per centum (20%) of such floating indebtedness with interest thereon in each fiscal year, but such special taxes must be levied in such amounts as will be sufficient to fully pay the whole of such floating indebtedness with the interest thereon before the 1st day of July, 1935.

Debt Reduction Fund.

The proceeds of every such special tax levy shall be by the county treasurer deposited in a special fund to be designated "Debt Reduction Fund", and shall not be used for any purpose whatever except for payment of the principal and interest of such floating indebtedness incurred prior to and outstanding on July 1, 1931; provided, that after the principal and interest of such floating indebtedness has been fully paid, any amount re-

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maining in such special fund, or afterwards coming into the same from protested or delinquent taxes, may be transferred to the general fund of the county, or to such other county fund as the board of county commissioners may order.

Method of payment.

The board of county commissioners of any county, having any such floating indebtedness, must, immediately prior to or at the time of preparing the preliminary budget for the county for the fiscal year commencing July 1, 1931, as provided in Section 3 of Chapter 148, Acts of 21st Legislative Assembly, determine, and by resolution entered in its minutes, adopt the method to be followed in paying, retiring and redeeming such floating indebtedness as may exist at the close of the fiscal year ending June 30, 1931, and may in such preliminary budget and in the final budget for the fiscal year beginning July 1, 1931, make proper provision for the payment of such floating indebtedness in accordance with the method adopted by such board of county commissioners.

Section 2. This Act shall be in full force and effect on and after the first day of July, 1931.

Approved March 16, 1931.

CHAPTER 160.

An Act Relating to the Issuing of Bonds by Incorporated Cities and Towns; Providing the Procedure and the Duties of City and Town Officers in Connection Therewith and Repealing Sections 5278, 5279, 5280, 5281, 5282, 5283, 5284, 5285, 5286, 5287 and 5288, Revised Codes of Montana, 1921, Chapter 61, Session Laws of Montana of 1927, and All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Creation of indebtedness.

Section 1. **Creation of Indebtedness — Submission to Taxpayers.** Whenever the council of any city or town having a corporate existence in this State, or hereafter organized under any of the laws thereof, shall deem it necessary to issue bonds for any purpose whatever, under its powers as set forth in subdivision 64 of Section 5039 of the Revised Codes of Montana, 1921, or amendments

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Submission to taxpayers.

thereto, the question of issuing such bonds shall first be submitted to the qualified electors of such city or town in the manner hereinafter set forth; provided, however, that it shall not be necessary to submit to such electors the question of issuing funding or refunding bonds to fund or refund warrants or bonds issued prior to and outstanding on the first day of July, 1931. In order to issue bonds to fund or refund warrants or bonds issued prior to and outstanding on July 1, 1931, it shall only be necessary for the council, at a regular or duly called special meeting, to pass and adopt a resolution setting forth the facts in regard to the indebtedness to be funded or refunded, showing the reason for issuing such bonds and fixing and determining the details thereof, giving notice of the sale thereof in the same manner that notice is required to be given of the sale of bonds authorized at an election, and then following the procedure prescribed in this Act for the sale and issuance of such bonds.

Resolution.

Section 2. **Single Purpose.** Acquiring land for a site for a public building, or for any other public use, and constructing, erecting or acquiring by purchase any building thereon and furnishing and equipping the same shall be deemed a single purpose; the acquiring of rights-of-way for street, or other purposes, making improvements thereon, or constructing sewers or water pipe lines, shall be deemed a single purpose; the procuring of a water supply and the construction or acquiring of a water system, and improving the same, if necessary, shall be deemed a single purpose.

Single purpose.

Section 3. **Limitation on Amount of Indebtedness.** No city or town shall issue bonds for any purpose in an amount which, with all outstanding and unpaid indebtedness, will exceed three per centum (3%) of the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes; provided, however, that for the purpose of constructing a sewerage system, or procuring a water supply or constructing or acquiring a water system for a city or town, which shall own and control such water supply and water system and devote the revenues therefrom to the payment of the debt, a city or town may incur an additional indebtedness by borrowing money or issuing bonds. The additional indebtedness which may be incurred by borrow-

Limitation on amount of indebtedness.

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ing money or issuing bonds for the construction of a sewerage system, including all indebtedness theretofore contracted, which is unpaid or outstanding, shall not exceed ten per centum (10%) over and above the three per centum (3%) heretofore referred to, of the total value of the taxable property therein as ascertained by the last assessment for State and county taxes. The words "value of the taxable property" as used in this Section, are used in the same sense as in Section 6 of Article XIII of the Constitution and shall be given the same meaning; and provided further, that the issuing of bonds for the purpose of funding or refunding outstanding warrants or bonds shall not be deemed the incurring of a new or additional indebtedness, but shall be deemed merely the changing of the evidence of outstanding indebtedness.

Proviso.

Section 4. **Term of Bonds — Rate of Interest.** No bonds for any purpose shall be issued for a longer term than twenty (20) years, and when bonds are issued for the purpose of funding warrants or refunding bonds heretofore issued, as authorized by Section 1 of this Act, such bonds shall not be issued for a longer term than ten (10) years. All bonds issued for a longer term than five (5) years may be redeemable at the option of the city or town at any time before maturity when so recited in the bonds. The maximum rate of interest which any bonds may bear shall be six (6%) per centum and shall be payable semi-annually.

Term of bonds.

Rate of interest.

Section 5. **Form of Bonds.** All bonds hereafter issued by any city or town shall be either amortization bonds or serial bonds, and all things being equal amortization bonds shall be issued in preference to serial bonds, otherwise serial bonds may be issued.

Form of bonds.

The term "amortization bonds", as used in this Act, is hereby defined as meaning that form of bond on which a part of the principal is required to be paid each time interest becomes due and payable, which part payment of principal increases with each following installment in the same amount the interest payment decreases, so that the combined amount payable on both principal and interest is the same on each interest payment date; provided, however, that the final payment may vary in

Amortization bond.

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amount from the other payments to the extent resulting from disregarding fractional cents in the other payments.

Serial bond.

The term "serial bond", as used in this Act, is hereby defined as being a bond issue payable in equal annual installments, one (1) installment consisting of one (1) or more bonds becoming due and payable each year, the amount to be paid and redeemed each year being determined by dividing the total amount of the bonds to be issued by the total number of years the issue is to run, so that the total amount of principal to be paid each year the bonds are to run will be the same; provided, however, that the final payment may vary in amount from the other payments to the extent resulting from fixing the amount of each bond of the other payments at One Hundred Dollars ($100.00), or some multiple thereof.

Section 6. **Petition for Election—Form — Proof.** No bonds shall be issued by a city or town for any purpose, except to fund or refund warrants or bonds issued prior to and outstanding on July 1, 1931, as authorized in Section 1 of this Act, unless authorized at a duly called Special or General Election at which the question of issuing such bonds was submitted to the qualified electors of the city or town, and approved, as hereinafter provided, and no such election shall be called unless there has been presented to the city or town council a petition, asking that such election be held and question submitted, signed by not less than twenty per centum (20%) of the qualified electors of the city or town who are taxpayers upon property within such city or town and whose names appear on the last completed assessment roll for State and county taxes, as taxpayers within such city or town. Every petition for the calling of an election to vote upon the question of issuing bonds shall plainly and clearly state the purpose or purposes for which it is proposed to issue such bonds, and shall contain an estimate of the amount necessary to be issued for such purpose or purposes. There may be a separate petition for each purpose, or two (2) or more purposes may be combined in one (1) petition, if each purpose with an estimate of the amount of bonds to be issued therefor is separately stated in such petition. Such petition may consist of one (1) sheet, or of several sheets identical in form and fastened together, after being circulated and signed, so as to form a single complete petition before being delivered to the

Election necessary.

Petition.

Form of petition.

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city or town clerk, as hereinafter provided. The petition shall give the street and house number, if any, and the voting precinct of each person signing the same.

Only persons who are qualified to sign such petitions shall be qualified to circulate the same, and there shall be attached to the completed petition the affidavit of some person who circulated, or assisted in circulating, such petition, that he believes the signatures thereon are genuine and that the signers knew the contents thereof before signing the same. The completed petition shall be filed with the city or town clerk who shall, within fifteen (15) days thereafter, carefully examine the same and the county records showing the qualifications of the petitioners, and attach thereto a certificate, under his official signature, which shall set forth:

Qualification for circulation.

Filing.

Certificate and contents.

(1) The total number of persons who are registered electors and whose names appear upon the last completed assessment roll for State and county taxes, as taxpayers within such city or town.

Registered electors.

(2) Which, and how many of the persons whose names are subscribed to such petition, are possessed of all of the qualifications required of signers to such petition.

Qualifications.

(3) Whether such qualified signers constitute more or less than twenty per centum (20%) of the registered electors whose names appear upon the last completed assessment roll for State and county taxes, as taxpayers within such city or town.

Percentage of electors.

Section 7. **Consideration of Petition—Calling Election.** When such petition has been filed with the city or town clerk and he has found it has a sufficient number of signers qualified to sign the same, he shall place the same before the city or town council at its first meeting held after he has attached his certificate thereto. The council shall thereupon examine such petition and make such other investigation as it may deem necessary.

Consideration of petition.

If it is found the petition is in proper form, bears the requisite number of signatures of qualified petitioners, and is in all other respects sufficient, the council shall pass and adopt a resolution which shall recite the essential facts in regard to the petition and its filing and presentation, the purpose or purposes for which the bonds

If passed an election must be called.

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are proposed to be issued, and fix the exact amount of bonds to be issued for each purpose, which amount may be less than but must not exceed the amount set forth in the petition, determine the number of years through which such bonds are to be paid, not exceeding the limitations fixed in Section 3 of this Act, and making provision for having such question submitted to the qualified electors of the city or town at the next general city or town election, or at a special election which the council may call for such purpose.

Section 8. **Notice of Election—Election Hours—Election Officers.** Whether such election is held at the General City or Town Election, or at a Special Election, separate notice shall be given thereof. Such notice shall state the date when such election will be held, the hours between which the polls will be open, the amount of bonds proposed to be issued, the purpose thereof, the term of years through which the bonds will be paid, and such other information regarding the election and the proposed bonds as the board may deem proper. If the bonds proposed to be issued are for two (2) or more purposes, each purpose and the amount thereof must be separately stated. Such notice shall be posted in each voting precinct in the city or town at least ten (10) days prior to the date for holding such election, and must also be published once a week for a period of not less than two (2) consecutive weeks immediately preceding the date for holding such election in some newspaper published in the city or town, if there be one, and if not then in a newspaper published in the State at a point in the State nearest to the city or town, and designated by the city or town council.

Notice of election.

Contents.

If the question of issuing bonds is submitted at a special election called for such purpose, the city or town council shall fix the hours through which the polls are to be kept open, which shall be not less than eight (8), and which must be stated in the notice of election, and may appoint a smaller number of judges than is required at a general city or town election, but in no case shall there be less than three (3) judges in a precinct and such judges shall act as their own clerks.

Polling hours.

Judges and clerks.

If the question of issuing bonds is submitted at a general city or town election, the polls shall be kept open

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during the same hours as are fixed for the General Election and the judges and clerks for such General Election shall act as the judges and clerks thereof. At general election.

Section 9. **Form of Ballots and Conduct of Election.** Whenever the question of issuing bonds is submitted at either a general city or town election, or at a Special Election, separate ballots shall be provided therefor. Such ballots shall be white in color and of convenient size, being only large enough to contain the printing herein required to be done and placed thereon, and shall have printed thereon in fair-sized, legible type and black ink, in one (1) line or more, as required, the word "FOR" (stating the proposition and the terms thereof explicitly and at length), and thereunder the word "AGAINST" (stating the proposition and terms in like manner as above); and there shall be before the word "FOR" and before the word "AGAINST", each, a square space of sufficient size to place a plain cross or X therein, and such arrangement shall be in the following manner: Form of ballots.

☐ FOR (stating the proposition)

☐ AGAINST (stating the proposition)

If bonds are sought to be issued for two (2) or more separate purposes, then separate ballots must be provided for each purpose or proposition. Separate ballots.

The election shall be conducted, and the returns made, in the same manner as other city or town elections; and all election laws governing city and town elections shall govern, in so far as they are applicable, but if such question be submitted at a general city or town election the votes thereon must be counted separately and separate returns must be made by the judges and clerks at such election. Returns must be made separately for each proposition or question submitted at such election. Conduct of election.

Section 10. **Who Are Entitled to Vote—Registration of Electors.** Only such registered electors of the city or town whose names appear upon the last preceding assessment roll for State and county taxes, as taxpayers upon property within the city or town, shall be entitled to vote upon any proposition of issuing bonds by the city or town. Such registered and qualified electors may be Who are entitled to vote and registration of electors.

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determined from the registration books and assessment rolls of the county, and lists thereof and poll-books for such election prepared and furnished in the manner provided by Section 2 of Chapter 98 Session Laws, 1923, as amended by Chapter 47 Session Laws, 1929; provided, however, that the city or town council, in lieu thereof, may provide by ordinance for the registration of the electors of the city or town entitled to vote at any such election, but no person shall be entitled to register or vote at such election who is not a qualified elector and taxpayer as hereinbefore set forth.

Percentage required to authorize issuance of bonds.

Section 11. **Percentage of Voters Required to Authorize the Issuing of Bonds.** Wherever the question of issuing bonds for any purpose is submitted to the qualified electors of a city or town, at either a General or Special Election, not less than forty per centum (40%) of the qualified electors entitled to vote on such proposition or question must vote thereon, otherwise such proposition shall be deemed to have been rejected; provided, however, that if forty per centum (40%) or more of such qualified electors do vote on such proposition or question at such election, and a majority of such votes shall be cast in favor of such question or proposition, then such proposition or question shall be deemed to have been adopted and approved.

Canvass of election returns.

Section 12. **Canvass of Election Returns—Resolution for Bond Issue.** If the bonding election is held at the same time as a general city or town election, then the returns shall be canvassed by the city or town council at the same time as the returns from such General Election; but if the question of issuing bonds is submitted at a Special Election then the city or town council shall meet within ten (10) days after the date of holding such Special Election and canvass the returns. If it is found that at such election forty per centum (40%) or more of the qualified electors of the city or town entitled to vote at such question or proposition voted thereon, and that a majority of such votes were cast in favor of the issuing of such bonds, the city or town council shall, at a regular or special meeting held within thirty (30) days thereafter, pass and adopt a resolution providing for the issuance of such bonds. Such resolution shall recite the purpose for which such bonds are to be issued, the amount

Resolution for bond issue.

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thereof, the maximum rate of interest the bonds may bear, the date they shall bear, the period of time through which they shall be payable, and that any thereof may be redeemed in full, at the option of the city or town, on any interest payment date from and after ten (10) years from the date of issue; and provide for the manner of the execution of the same. It shall provide that preference shall be given amortization bonds but shall fix the denomination of serial bonds in case it shall be found advantageous to issue bonds in that form, and shall adopt a form of notice of the sale of the bonds.

The board may, in its discretion, provide that such bonds may be issued and sold in two (2) or more series or installments.

Form of notice.

Section 13. **Form of Notice.** The notice of sale shall state the purpose or purposes for which the bonds are to be issued and the amount proposed to be issued for each purpose and shall be substantially in the form following:

NOTICE OF SALE OF (CITY OR TOWN) BONDS.

Notice is hereby given by the council of the (City or Town) of....., Montana, that the said council will, on the.....day of....., 19....., at the hour of.....o'clock .....M., at its council chamber in the (City or Town) of....., Montana, sell to the highest and best bidder for cash, either amortization or serial bonds of the said (City or Town) in the total amount of..... Dollars, ($.....), for the purpose of.....

Choice as to kind.

Amortization bonds will be the first choice and serial bonds will be the second choice of the council.

Amortization bonds.

If amortization bonds are sold and issued the entire issue may be put into one (1) single bond or divided into several bonds, as the council may determine upon at the time of sale, both principal and interest to be payable in semi-annual installments during a period of ..... years from the date of issue.

Serial bonds.

If serial bonds are issued and sold they will be in the amount of.....Dollars ($.....), each, except the last bond which will be in the amount of

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.....Dollars ($.....); the sum of .....Dollars ($.....) of said serial bonds will become due and payable on the .....day of.....19....., and a like amount on the same day each year thereafter until all such bonds are paid, except that the last installment will be in the amount of.....Dollars ($.....).

Contents of bonds.

The said bonds, whether amortization or serial bonds, will bear date of.....19....., will bear interest at a rate not exceeding six per centum (6%) per annum, payable semi-annually, on the.....day of .....and on the.....day of ....., in each year, and will be redeemable (Here insert the optional provisions, if any, recited in the bonds).

How sold.

Said bonds will be sold for not less than their par value with accrued interest to date of delivery and all bidders must state the lowest rate of interest at which they will purchase the bonds at par. The council reserves the right to reject any and all bids and to sell said bonds at private sale.

Certified check with bids.

All bids other than by or on behalf of the State Board of Land Commissioners of the State of Montana must be accompanied by a certified check in the sum of..... Dollars, payable to the order of the (City or Town) clerk, which will be forfeited by the successful bidder in the event he shall fail or refuse to complete the purchase of said bonds in accordance with the terms of his bid.

All bids shall be addressed to the council of the (City or Town) of ....., and delivered to the clerk of said (City or Town).

.....
Mayor of the (City or Town) of

....., Montana.

ATTEST:

.....
(City or Town) Clerk.

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Section 14. **Publication of Notice of Sale.** The city or town council shall cause such notice to be published once each week for four (4) successive weeks immediately preceding the date of sale, in a newspaper of general circulation printed and published, if there be one, and if not then in a newspaper of general circulation, in said city or town, printed and published in the county in which said city or town is located; and the council may, in its discretion, cause such notice to be published in such other newspaper or newspapers published either within or without the State as in the opinion of the Council will be most likely to give notice of such sale to prospective bidders. The city or town clerk must, at least fifteen (15) days before the date fixed for the sale of such bonds, send a copy of such published notice to the Secretary of the State Board of Land Commissioners, and shall thereupon furnish to the said secretary a transcript of the proceedings had for the issuance of bonds, and such other information relating thereto as the secretary may find necessary.

Publication of notice of sale.

Section 15. **Sale of Bonds.** The city or town council shall meet at the time and place fixed in the notice to consider bids for the bonds. The bonds shall be sold at not less than par and accrued interest to date of delivery, and each bidder shall specify the form of bonds to be issued, whether amortization or serial, and the rate of interest at which he will purchase the bonds. A bid for amortization bonds shall have the preference over a bid for serial bonds, all other things being equal; and in determining the kind of bonds to be issued the council shall take into consideration not only the rate of interest demanded on each kind but also all other known elements affecting the interests of the city or town, and the council shall accept the bid they shall judge most advantageous to the city or town; provided, that no bid shall be accepted which will require the bonds to bear a rate of interest exceeding six per centum (6%) per annum. No attorneys fees, brokerage or other fees or commissions of any kind shall be paid to any person or corporation for assisting in the proceedings, or in the preparation of the bonds, or in negotiating the sale thereof. The board is authorized to reject any and all bids and to sell the bonds at private sale if they deem it for the best interests of the city or town, provided, however, that such

Procedure in sale of bonds.

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bonds shall not bear a greater rate of interest than six per centum (6%) per annum and shall not be sold at less than par and accrued interest to date of delivery.

Form and execution of bonds.

Section 16. **Form and Execution of Bonds.** At the time of the sale of the bonds, or at a meeting held thereafter, the city or town council shall prescribe the form of the bonds, whether amortization or serial bonds, and of the coupons to be attached thereto. Each and every bond and every coupon attached thereto must be signed by the Mayor of the city or town, by the treasurer thereof, and must be attested by the city or town clerk, and each bond shall have the city or town seal affixed thereto; provided, however, that lithographic or engraved facsimiles of the signatures of the Mayor, Treasurer and Clerk of the City or Town may be affixed to the coupons, in place of their signatures, when such fact is so recited in the bond.

Printing of the bonds.

Section 17. **Printing of the Bonds.** Under the direction of the council, the city or town clerk shall cause the bonds, with coupons attached thereto, to be printed or lithographed, at the expense of the city or town at lowest commercial rates; provided, however, that a purchaser of such bonds may furnish the same to the city or town, in the form prescribed by the council, for execution, if the same is done at his own expense and without cost or expense to the city or town.

Registration of bonds.

Section 18. **Registration of Bonds—Copy to Be Preserved.** When duly executed by the officers of the city or town, as herein provided, the bonds shall be registered by the city or town treasurer in a book provided for that purpose before being delivered to the purchaser. Such registration shall show the number and amount of each bond, the date of issue, date redeemable and date when the same will become due, the amount of all payments of both principal and interest required to be made on each bond with the dates when the same are required to be made and the name and address of the purchaser. The city or town clerk shall also deliver to the city or town treasurer an unsigned and cancelled printed copy of one of the bonds, as so issued and registered, to be preserved in his office.

Preservation of copies.

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Delivery of bonds.

Section 19. **Delivery of Bonds—Payment for Same.** In case the State Board of Land Commissioners is the purchaser of the bonds, the city or town treasurer shall forward the registered bonds to the secretary of the Board who shall cause the same to be delivered to the State Treasurer and payment therefor shall be made in the manner provided by law. In case the bonds are purchased by other investors the city or town treasurer shall deliver the bonds to the purchaser upon receiving full payment therefor. All moneys arising from the sale of such bonds shall be paid to the city or town treasurer and shall be immediately available for the purpose or purposes for which the bonds were issued and for no other purpose.

Payment for same.

Liability on bonds.

Section 20. **Liability on Bonds.** All bonds issued under the provisions of this Act shall be legal and valid obligations of the city or town issuing the same and the full faith and credit of such city or town are hereby irrevocably pledged for the prompt payment of both principal and interest thereof as the same become due.

Statement of Treasurer.

Section 21. **Treasurer's Certificate as to Principal and Interest.** Whenever any city or town has any issue or series of bonds outstanding and there is not sufficient funds on hand available for the payment of the full amount of the interest and principal thereof, the city or town treasurer shall, between the first and fifteenth days of July, in each year, while such bonds or any of them remain outstanding, and unpaid, make out and deliver to the city or town clerk, to be by him presented to the city or town council at their next meeting, a statement showing the amount required to be raised by tax levy during the then current fiscal year, for payment of interest and principal becoming due and payable during such fiscal year, or within ninety days thereafter, on each issue or series of bonds outstanding, or if no part of the principal of any such issue or series of bonds will become due and payable within such time, then such statement shall show the amount required to be raised by tax levy during such year for payment of interest becoming due during such time, and to place the proper amount in the Sinking Fund for the payment of the principal of such bonds when they become due, as provided in Section 20 thereof.

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Tax levy.

Section 22. **Tax.** The city or town council, at the time of making the levy of taxes for general city or town purposes, must levy a separate and special tax, upon all taxable property in the city or town, for the payment of interest on the principal of each series or issue of bonds outstanding, and the tax levy for any one series or issue of bonds must be entirely separate and distinct from such levy for any other issue or series of bonds. The levy made for the purpose of paying interest on and principal of each series or issue of bonds must be high enough to raise an amount sufficient to pay all interest on and so much of the principal, if any, of such bonds as will become due and payable during the then current fiscal year, or within ninety days thereafter, as such amount is shown by the treasurer's statement provided for by Section 21; and if no part of the principal of such bonds will become due and payable within such time, then such tax levy must be high enough to raise an amount sufficient to pay all interest which will become due and payable during the current fiscal year or within ninety days thereafter, and to also place in the Sinking Fund for such issue or series of bonds, for the payment of the principal thereof when the same become due, an amount not less than a sum produced by dividing the whole amount for which such series or issue of bonds were originally issued by the number of years for which such series or issue of bonds were originally issued to run, as such amounts are shown by the treasurer's statement provided for by Section 21.

Liability of members of council.

Section 23. **Liability of Members of Council.** If the council of any city or town shall fail, neglect or refuse in any year to make a levy sufficient to pay the interest on and principal of any issue or series of bonds, as required by the provisions of Section 22 of this Act, the holder of any bond of such issue or series, or any taxpayer paying taxes on property situated in such city or town, may apply to the district court of the county, in which the city or town issuing such bonds is situated, for a writ of mandate to compel the city or town council to make a proper and sufficient levy for such purposes, and if, upon the hearing of such application it shall appear to the satisfaction of the court that the city or town council has failed, neglected or refused to make any levy whatever for such purposes, or has made a levy but that

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the same is insufficient to raise the amount required to be raised for such purposes under the provisions of Section 22 of this Act, the court shall determine the amount of the deficiency and shall issue a writ of mandate directed to and requiring such city or town council, at the next meeting thereof for the purpose of making and fixing city or town levies, to make and fix a tax levy against all taxable property in such city or town sufficient to raise the amount of such deficiency, which levy shall be in addition to the levy required to be made for the then current fiscal year; provided, that any costs which may be allowed or awarded the petition in any such proceeding shall be paid by the members of the city or town council and shall not be a charge against the city or town.

Section 24. **Bond Funds.** The city or town treasurer shall keep in his books a special and separate Sinking and Interest Fund account for each issue or series of bonds issued by his city or town, and outstanding, and each such fund must at all times show the exact condition thereof. All taxes collected for interest and principal on city or town bonds shall be placed to the credit of the Sinking and Interest Fund for which the same were levied, and such fund shall not be used for any purpose other than payment of the principal and interest on such bonds so long as any of such bonds remain outstanding. When all bonds of any series or issue, with the interest thereon, have been fully paid, or called in for payment, and there remains in the Sinking and Interest Fund for such series or issue any amount not required for the payment of such bonds and interest, such excess amount, and all amounts subsequently collected for such fund, shall be transferred to the general fund of the city or town or to the Sinking and Interest Fund of any other issue or series of bonds outstanding, that the city or town council may designate.

Bond funds.

Section 25. **Payment of Principal and Interest.** The city or town treasurer shall pay from the proper Sinking and Interest Fund the interest and principal of each issue or series of outstanding bonds, as such interest and principal become due and at the place where such bonds are payable, upon presentation and surrender of the coupon or coupons, bond or bonds to be paid; provided, however, that if the bonds are held by the State of Montana, then

Payment of principal and interest.

Proviso.

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all such payments shall be made at the office of the State Treasurer, who shall cancel the coupons, or bonds, and return the same to the city or town treasurer together with his receipt therefor.

Interest.

Any and all installments of interest or principal of bonds issued under the provisions of this Act, not promptly paid when due, shall draw interest at the rate of six per centum (6%) per annum from the date due until actually paid, irrespective of the rate of interest on the bonds themselves.

Redemption of bonds before maturity.

Section 26. **Redemption of Bonds Before Maturity.** Whenever there is available money in any Sinking and Interest Fund, over and above the amount required for payment of principal and interest becoming due on the next interest payment date, sufficient to pay and redeem one or more of the outstanding bonds of the issue or series to which such Sinking and Interest Fund belongs, and such bonds are held by the State of Montana, the city or town treasurer must apply such available money in payment of as many of such bonds as the same will pay. Not less than fifteen (15) days before the next interest payment date the city or town treasurer must give notice to the State Board of Land Commissioners that on such interest payment date such bond or bonds will be paid, and the city or town treasurer, before such interest payment date, must remit to the State Treasurer the amount required to pay such bond or bonds, with the interest thereon. Upon receipt of such amount the State Treasurer must cancel such bond or bonds and all unpaid interest coupons attached thereto, and return the same, with his receipt, to the city or town treasurer.

Whenever there is available money in any Sinking and Interest Fund, over and above the amount required for payment of principal and interest becoming due on the next interest payment date, sufficient to pay and redeem one or more of the outstanding optional bonds of the issue or series to which such Sinking and Interest Fund belongs, and which bonds are not yet due but are then redeemable, or will become redeemable on the next interest payment date, and such bonds are not held by the State of Montana, the city or town treasurer must apply such available money in payment and redemption of as many of such bonds as the same will pay and re-

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deem. The city or town treasurer must give notice to the holder of such bond or bonds, if known to him, or to any bank or financial institution at which such bonds are payable, at least fifteen (15) days before the next interest payment date, that such bonds will be redeemed and paid on such date. The city or town treasurer must also publish in some newspaper of general circulation printed and published in the city or town, and if there be none, then in some newspaper of general circulation in such city or town, printed and published in the county in which such city or town is situated, once a week for two successive weeks immediately preceding such interest payment date, a notice that such bond or bonds have been called in for redemption and will be paid in full on such interest payment date. If such bonds are payable at some bank or financial institution the city or town treasurer must remit to such bank or institution, before such interest payment date, an amount sufficient to pay and redeem such bonds. If such bonds are not presented for redemption and payment on such interest payment date interest thereon shall cease on such date.

Notice of redemption.

Publication of redemption.

All bonds paid and redeemed under the provisions of this section must be paid and redeemed in the numerical order in which the same were issued.

Redemption in numerical order.

Section 27. **Investment of Sinking and Interest Fund.** Whenever there is available money in any sinking or interest fund, over and above the amount required for payment of principal and interest becoming due on the next interest payment date, sufficient to pay and redeem one or more outstanding bonds of the issue or series to which such sinking fund belongs, and such bonds are not held by the State of Montana, and are not subject to redemption, the city or town treasurer, at the direction of the city or town council, shall purchase such bond or bonds of such issue or series, if this can be done at not more than par and accrued interest, or at such reasonable premium as the council may feel justified in paying, not in any case exceeding five per centum (5%).

Investment of sinking and interest fund

If the council cannot purchase any of the outstanding bonds at such reasonable price, then such available money in such sinking and interest fund shall be invested by the city or town treasurer, under the direction of the city or town council, in other bonds of the city or town,

In what investments may be made

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in warrants of the city or town, in warrants issued by any county of this State, in bonds or warrants of this State, or in bonds or treasury certificates of the United States; provided, however, that such sinking and interest funds shall only be invested in such securities as will become due and payable at least thirty (30) days before the date when the bonds of the city or town of such series will become redeemable.

Cancellation of bonds, coupons and warrants.

Section 28. **Cancellation of Bonds, Coupons and Warrants.** All bonds and interest coupons paid by the city or town treasurer from time to time shall be cancelled by him, and he shall enter on the records of the registration of such bonds the date of the payment of the same and the several coupons attached thereto, and he shall deliver the same, after such cancellation, to the city or town clerk, with a report showing the numbers of such bonds and the amounts paid as principal and interest thereon, and the city or town clerk shall exhibit such bonds and coupons, with such report, to the city or town council at the next regular meeting thereof.

Whenever bonds are issued for the purpose of funding outstanding warrants or refunding outstanding bonds it shall be the duty of the city or town treasurer to apply the proceeds derived from the sale of such bonds to the payment of such warrants or bonds so refunded or funded, and he shall, upon taking up such warrants or bonds, cancel the same, keep a record thereof, and deliver the same to the city or town clerk, with a report showing the numbers thereof and the amounts paid for principal and interest, and the city or town clerk shall exhibit such warrants or bonds, with such report, to the city or town council at the next regular meeting thereof.

Exchanges of bonds for amortization bonds.

Section 29. **Exchange of Bonds for Amortization Bonds.** Subject to the approval of the State Board of Land Commissioners the council of any city or town is hereby authorized to issue amortization bonds for the purpose of refunding any outstanding bonds of such city or town held by the State of Montana and which were not issued either as amortization or serial bonds, and to exchange the same for such outstanding bonds. Such amortization bonds shall conform in all respects to the definition of amortization bonds as set forth in Section 5 of this Act, and shall bear interest at such rate as may

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be agreed upon between the council of such city or town and the State Board of Land Commissioners, but which shall not exceed six per centum (6%) per annum. Such amortization bonds may be issued and exchanged for such outstanding bonds without submitting the question of issuing the same at an election, and it shall not be necessary to publish any notice of sale of such bonds. This section shall not be construed so as to deprive city or town councils of the rights to advertise, sell and issue refunding bonds in the manner provided in this Act.

Application of this Act to outstanding bonds.

Section 30. **Application of This Act to Outstanding Bonds.** All of the provisions of this Act with reference to the payment of principal and interest of bonds, redemption and payment thereof, investment of sinking and interest funds, levy of taxes for payment of principal and interest, maintenance of separate sinking and interest funds, and all other provisions of this Act which can be made applicable thereto, shall apply to all bonds heretofore lawfully issued by any city or town under any law or laws of this State, and which bonds shall be outstanding at the time this Act takes effect, providing, however, that this Act shall not in any manner be held to apply to bonds or warrants heretofore issued under the laws of Montana providing for special improvement district bonds of cities and towns in the State of Montana, and particularly under the provisions of Chapter 56 of Part IV of the Political Code of the Revised Codes of Montana of 1921.

Repealing clause.

Section 31. **Repeal.** Sections 5278, 5279, 5280, 5281, 5282, 5283, 5284, 5285, 5286, 5287 and 5288, Revised Codes of Montana, 1921, Chapter 61 Session Laws of Montana, 1927, and all other Acts and parts of Acts in conflict herewith are hereby repealed; provided, however, that the repeal of such sections, chapters, Acts and parts of Acts shall not in any manner invalidate or affect any bonds or obligations lawfully issued pursuant thereto; and provided, further, that if any city or town has initiated bonding proceedings under the laws, or any thereof, hereby repealed, prior to the time this Act takes effect, and such bonding proceedings shall not have been completed, such proceedings may be completed and the bonds issued and sold in the manner provided by the law or laws under which the proceedings were initiated.

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Section 32. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

CHAPTER 161.

An Act Amending Sections 3683, 3685 and 3691 of the Revised Codes of Montana of 1921, as Amended by Chapter 59, Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, Relating to the Classes of Licenses for Hunting and Taking Game and Fish and Fur-Bearing Animals Within the State of Montana; the Fees and Powers Under Such Licenses; Exceptions in the Applications of the Provisions of This Act; and Repealing of Acts and Parts of Acts in Conflict with the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3683 of the Revised Codes of Montana of 1921, as amended by Chapter 59, Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, be, and the same is hereby amended to read as follows:

Classes of licenses.

Section 3683. **Classes of Licenses.** Licenses shall be divided into the following classes:

Class A.	Resident Game Birds and Fishing License;
Class A A.	Resident Big Game License;
Class A A A.	Resident Sportsmen's License;
Class B.	Non-Resident Fishing License;
Class B-1.	Non-Resident Game Bird License;
Class B-2.	Non-Resident Big Game License;
Class C.	Alien Fishing License;
Class C-1.	Alien Game Bird License;
Class C-2.	Alien Big Game License;
Class D.	Trapper's License;
Class E.	Fur Dealer's License.

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Section 2. That Section 3685 of the Revised Codes of Montana of 1921, as amended by Chapter 59, Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, be, and the same is hereby amended to read as follows:

Fees and powers under licenses.

Section 3685. **Fees and Powers Under Licenses.** Said applicant, if a resident of the State of Montana and a citizen of the United States, shall pay to the officer or person countersigning and issuing the license the sum of Two Dollars ($2.00) as a license fee, and shall obtain a license of Class A, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game birds and to fish with hook and line or rod in hand as authorized by this Act.

Class A.

Class A A.

Said applicant, if a resident of the State of Montana and a citizen of the United States, shall pay to the officer or person countersigning and issuing the license the sum of One Dollar ($1.00), and shall obtain a license of Class A A, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess any of the game animals of this State as authorized by this Act; provided, however, that said applicant, in order to obtain said Class A A license, must be the owner and possessor of a Class A license, as herein above defined.

Sportsmen's license

Class A A A.

Said applicant, if a resident "Sportsman" of the State of Montana and a citizen of the United States, may pay to the officer or person countersigning and issuing the license the sum of Five Dollars ($5.00) as a license fee, and shall obtain a license of Class A A A, herein designated as a resident "Sportsmen's" license, which shall entitle the holder to pursue, hunt, kill, capture, take and possess game, game birds and game animals, and to fish with hook and line or rod in hand as authorized by this Act.

Who are residents.

All citizens of the United States who have lived in this State at least six months immediately preceding their application for a license, or officers, soldiers, sailors and marines of the United States army, navy, or marine corps, shall be deemed resident citizens for the purpose of this section, as well as officers of the Forest Service and of the Biological Survey of the United States Department of Agriculture.

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Said applicant, if a non-resident of the State or a resident for less than six months immediately preceding his application for a license and a citizen of the United States, shall pay to the officer countersigning and issuing the license the sum of Three and 50/100 Dollars ($3.50) as a license fee, and shall obtain a Class B license, which shall entitle the holder to fish with hook and line, or rod in hand, as authorized by this Act; and such non-resident, on like application and on the payment of the sum of Ten Dollars ($10.00) as a license fee, shall obtain a Class B-1 license, which shall entitle him to pursue, hunt, shoot, kill and take game birds, as authorized by this Act; and such non-resident, on like application and on the payment of the sum of Thirty Dollars ($30.00), as a license fee, shall obtain a license of Class B-2, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game animals, as authorized by this Act.

B-1 class.

B-2 class.

Said applicant, if an alien, resident or non-resident, shall pay to the officer countersigning and issuing the license, the sum of Ten Dollars ($10.00) as a license fee, and shall obtain a Class C license, which shall entitle him to fish with hook and line or rod in hand, as authorized by this Act; and such alien, on like application and on the payment of the sum of Thirty Dollars ($30.00) as a license fee, shall obtain a license of Class C-1, which shall entitle him to pursue, hunt, shoot, kill and take game birds, as authorized by this Act; and such alien, on like application and on the payment of the sum of Fifty Dollars ($50.00) as a license fee, shall obtain a license of Class C-2, which shall entitle him to pursue, hunt, shoot, kill, capture, take and possess game animals, as authorized by this Act, provided, however, that any person in possession of first citizenship papers shall not be considered a resident of the State of Montana for the purpose of this Act.

Class C.

Class C-1.

Class C-2.

To every license, whether issued to a resident, non-resident or alien, which authorizes the licensee to kill elk or deer in this State, there shall be attached to said license certain tags, coupons or other markers, the form of which shall be prescribed by the State Fish and Game Commission, and when any person shall take or kill any deer or elk under such license such person shall immediately thereafter detach from his license, and attach in plain

Tag or coupon.

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sight to the carcass of said animal or animals the proper tag, coupon or other marker, which said tag, coupon or other marker shall be kept attached thereto so long as any considerable portion of the carcass remains unconsumed. When the proper tag, coupon or other marker is so attached to the said game so killed, the same may be possessed, used, stored and transported; provided the necessary permit to transport the same accompanies the shipment. To said license to hunt or take elk or deer shall also be attached a card, which said card shall on or before the first day of January of the year following the date of the issuance of said license, be returned by the holder of said license to the Fish and Game Commission and a report made to said commission of the game taken under said license and the place where the same was taken, it being the intent of this Act to require every licensee to make said report whether any game was taken under said license or not. It shall be unlawful and a misdemeanor punishable, accordingly, for anyone killing any deer or elk under said license, to fail or neglect to attach the tag, coupon or other markers so provided by said license to any deer or elk killed by them immediately after the same had been killed or to fail to keep said tag, coupon or other marker attached to said deer or elk or portions thereof while the same is possessed by him.

Report card.

Failure to report.

The applicant for a Class D license, or trapper's license, must be the owner and in possession of a Class A-2 license, and upon the payment of the sum of Ten Dollars ($10.00) to the officer to whom the application for a Class D license is made, shall receive and obtain a Class D license, or trapper's license, which shall authorize the holder thereof to trap fur-bearing animals within the State at such times and in such manner as may be lawful so to do under the laws of this State and the regulations of the Fish and Game Commission, and at such places as may be designated in said license.

Class D trapper's license.

All sums collected for licenses sold, or received for permits issued, from the sale of seized game, or from fines, or the sale of firearms or other chattels confiscated, from damages collected for violations of the fish and game laws of this State, from appropriations, or received by the State Fish and Game Commission from any and all other sources are hereby appropriated to and placed under control of the State Fish and Game Com-

All sums collected to be in charge of Fish and Game Commission.

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mission. All moneys so received shall be remitted by the State Fish and Game Warden to the State Treasurer to be by him placed to the credit of the Fish and Game Fund.

Bounty fund.

The sum of Seven Thousand Five Hundred Dollars ($7,500.00) shall be transferred on or before January first of each year from the Fish and Game Fund to the Bounty Fund of the State to be used to pay bounties on predatory animals as provided by law; said sum of Seven Thousand Five Hundred Dollars ($7,500.00) shall be matched with a like sum of the said Bounty Fund money derived from the tax on livestock now provided by law providing a fund of Fifteen Thousand Dollars ($15,000.00). At the close of any bounty paying season of any year fifty per centum (50%) of any unexpended balance shall be re-transferred to the State Fish and Game Fund. Nothing herein contained shall be so construed as to prevent the Livestock Commission from expending from its Bounty Fund any part thereof in excess of Fifteen Thousand Dollars ($15,000.00), which may be necessary for the purpose of paying bounties.

Section 3. That 3691 of the Revised Codes of Montana of 1921, as amended by Chapter 59, Laws of the Twentieth Legislative Assembly, State of Montana, 1927, be, and the same is hereby amended to read as follows:

Exceptions.

Section 3691. **Exception.** The provisions of the Act shall not apply to persons pursuing, hunting, capturing, shooting, killing, taking or trapping, or attempting to kill, take or trap predatory animals, prairie dogs, ground squirrels, jack rabbits, gophers, or English sparrows, crows, hawks, fish ducks, blue heron, snow owls, great gray owls, great horned owls, blackbirds, kingfishers, magpies, jays and eagles, which may be pursued, hunted, taken, killed, shot, trapped, possessed or transported at any time; and minors under fifteen (15) years of age may pursue, hunt, shoot, kill, take and capture game birds, and fish for and take fish, during the open season without a license.

Under fifteen.

Penalty.

Section 4. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction and unless as herein otherwise provided, shall be punished by a fine of not less than Twenty-five Dol-

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lars ($25.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than one hundred eighty (180) days or by both such fine and imprisonment; and in addition thereto, shall, in the discretion of the court, forfeit his license to hunt, fish or trap within this State for a period of one (1) year from the date of his conviction.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

CHAPTER 162.

An Act Amending Section 3694 of the Revised Codes of Montana as Amended by Chapter 59, Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, Relating to the Restrictions of the Manner of Taking and Possessing Fish and Game, and Granting and Giving to the State Fish and Game Commission of the State of Montana, Authority to Change or Suspend Closed Seasons on Game Birds and Animals, Game Fish and Fur-Bearing Animals, so as to Meet Existing Conditions, and Also, to Make and Promulgate Rules and Regulations for the Killing, Taking, Capturing and Possessing of Game Fish, Game Birds, Game and Fur-Bearing Animals; Prescribing Penalties for a Violation of this Act and Repealing all Acts and Parts of Acts in Conflict with the Provisions Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3694 of the Revised Codes of Montana of 1921, as amended by Chapter 59, Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, be, and the same is hereby authorized to read as follows:

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Restrictions of manner of taking fish and game and powers of Commission relating thereto.

Section 3694. **Restrictions of Manner of Taking and Possessing Fish and Game and Powers of Commission Relating Thereto.** It shall be unlawful for anyone to take, capture, shoot, kill, or attempt to take, capture, shoot or kill, any game animal, or game bird from any automobile or on or from any public highway in the State of Montana or by the aid or with the use of any set gun, jack-light, or other artificial light, trap, snare, or salt lick, nor shall any such set gun, jack-light or other artificial light, trap, snare, salt lick or other device to entrap or entice game animals or game birds be used, made or set; provided, however, that this does not prohibit the shooting of wild water fowl from blinds or over decoys with a gun only, not larger than a number ten (10) gauge fired from the shoulder, nor shall any game fish be caught, captured, or taken, or attempted to be caught, captured or taken by the aid or with the use of any gun, or trap, nor shall any such set gun, or trap or other device to entrap game fish be used, made, or set, nor shall any game birds or game or fur-bearing animals be killed, taken or hunted from an aeroplane, nor shall any aeroplane be used for the purpose of concentrating, pursuing, driving, rallying or stirring up any game or migratory birds, game or fur-bearing anmials, nor shall any power boat, sail boat, or any boat under sail or any floating device towed by a power boat, sail boat, or any boat under sail be used for the purpose of killing, capturing, taking, pursuing, concentrating, driving or stirring up any game birds, or migratory water fowl, or game or fur-bearing animals, nor shall any person take into a field or forest or have in his possession while out hunting, any device or mechanism devised to silence or muffle or minimize the report of any firearms, whether such device or mechanism be operated from or attached to any firearm; nor shall any person chase with dogs any of the game or fur-bearing animals as defined by the Fish and Game Laws of this State; provided, however, that live-stock owners, employees of the State Fish and Game Commission and of the United States Bureau of Biological Survey may use dogs in the pursuit of stock killing bears, or other means of taking stock killing bears except the use of the dead fall; providing, however, that traps used in capturing bear shall be inspected twice each day, which inspection shall be twelve hours apart; and provided further, that a person may take game birds during the open

Proviso.

Proviso.

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season thereof, with the aid of a dog or dogs and any person or association organized for the protection of game, may run field trials at any time upon obtaining written permission from the State Fish and Game Warden.

Fish limits.

It shall hereafter be unlawful for any person to catch or take from the waters of this State more than twenty-five (25) fish in the aggregate, with a net weight of twenty (20) pounds and one (1) fish in any one (1) day, of the variety of fish designated herein as game fish, nor more than five (5) such game fish which are less than seven (7) inches in length, except sunfish, yellow perch, ring perch and bull heads, in any one (1) day. It is hereby declared to be the intention of this Act to provide that twenty-five (25) fish, with net weight of not more than twenty (20) pounds and one (1) fish of any and all the game fish, shall constitute the limit for a day's fishing. It shall be unlawful for any person to be in possession of more than five (5) game fish which are less than seven (7) inches in length, or more than twenty-five (25) fish in the aggregate, or more than twenty (20) pounds net weight and one (1) fish of any and all kinds of game fish at any one (1) time. This section shall apply to both fresh game fish and to game fish which have been dried, salted or otherwise cured.

Yellowstone, Missouri and Kootenai.

It shall be lawful to catch fish in the Yellowstone, Missouri and Kootenai Rivers at any season of the year with hook and line, or rod in hand, and ling may be caught in said rivers at any season of the year with set-lines; provided, however, that the commission shall have the power to limit the fishing for ling to angling when it is ascertained that game fish are being caught with said set-lines. It shall be lawful to take by angling non-game fish in any quantity from any of the waters of the State during the open fishing season pertaining to such waters.

Proviso.

Non-game fish.

Game fish.

Game fish shall be taken only by angling, that is, by hook and line in hand or rod in hand; this does not prevent, however, the use of a landing net or gaff to land a game fish after the same has been hooked by angling as above specified, nor does it prevent the taking of minnows other than game fish variety by the use or aid of a small hand net.

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Salmon eggs.

That from and after the twentieth day of May, 1931, it is hereby made unlawful for any person, persons, firm or corporation to sell or have in their possession, any salmon eggs or salmon spawn, or any imitations thereof, or substance prepared therefrom, and it shall also be unlawful for any person or persons to use in any of the waters of this State any salmon eggs or other fish spawn, or any imitation or substance prepared therefrom, as a fish bait or fish lure.

Catching fish through ice.

It shall be unlawful to catch any game fish through the ice, or through a hole in the ice, except in such waters as are designated under proper order of the State Fish and Game Commission. In case any game fish is unintentionally taken contrary to the prohibitions or restrictions contained in this Act, such fish shall be immediately liberated and returned to the water without unnecessary injury.

Closed season.

It shall be unlawful for any person between the fifteenth day of March and the twentieth day of May, both dates inclusive, of the same year, to catch or attempt to catch, in the waters of this State any fish whatsoever, except when license or permit has been given to seine, net or trap carp, buffalo-fish and suckers, and providing that the commission shall have the power and authority, whenever in its opinion conditions warrant it, to permit the sale of Rocky Mountain Whitefish and Dolly Varden trout under such rules, regulations and conditions as it may prescribe, and also, to suspend and set aside the maximum limit of fish of these varieties one may catch in a single day or have in his possession at one (1) time.

Discretionary with Commission.

The State Fish and Game Commission shall have the power to change or suspend the closed season on game fish so as to meet local conditions.

Rules of Commission.

Whenever said Fish and Game Commission shall have made any orders, rules or regulations for the carrying out of the powers granted to it under this Act, the same shall take effect and be in force from and after the publication and posting of notice of said orders, rules and regulations as required by the Fish and Game Laws.

Section 2. Any person who shall pursue, hunt, trap, possess, take, capture, shoot or kill any fish, game bird, game or fur-bearing animals, or have, keep, possess, sell,

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purchase, ship or reship any game fish, game bird, game or fur-bearing animals of this State in any manner contrary to the provisions of this Act or to the orders, rules and regulations of the Fish and Game Commission made pursuant to the authority given it under this Act, shall be deemed guilty of a misdemeanor and upon conviction be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than one hundred eighty (180) days or by both such fine and imprisonment, and in addition thereto, shall, in the discretion of the court, forfeit his license to hunt, fish or trap within this State for a period of one (1) year from the date of his conviction.

Penalty for violation.

Section 3. If any section, subsection, sentence, clause or phrase of this Act shall for any reason, be held unconstitutional or inoperative, such decision shall not affect the validity of the remaining portions of this Act.

Saving clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 16, 1931.

CHAPTER 163.

An Act Relating to and Fixing the Salary of the State Game Warden and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Fish and Game Warden appointed and employed by the State Fish and Game Commission, as provided for in Section 3655 of the Revised Codes of Montana, as amended, shall be paid a salary fixed by the commission not exceeding the sum of Three Thousand Six Hundred Dollars ($3,600.00) per year.

Salary of State Fish and Game Warden.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

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CHAPTER 164.

An Act to Amend Section 1052 of the Revised Codes of Montana of 1921, Relating to the Report of Expenditures of School Districts; Providing Clerk of District Annually Make a Detailed and Itemized Statement of Moneys Expended, and a Detailed and Itemized Statement of All Moneys Expended Where Expenditures are Less than Five Thousand Dollars ($5,000.00), or the Board May Provide for Auditing the Books; Providing for the Posting and Filing of the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1052 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Clerk of school district to make report of expenditures.

Section 1052. **Same — Report of Expenditures.** The clerk of the school district shall make annually, between the first and twentieth day of July of each year, an exact detailed and itemized statement of all moneys expended by, or in behalf of the school district, which statement shall show all receipts and disbursements made on behalf of the school district from July first of the preceding year to July first of the current year. In districts where the annual expenditures are less than Five Thousand Dollars ($5,000.00) per annum, the clerk shall prepare and file with the board a detailed and itemized statement of all moneys expended, showing the number of warrants, together with the date thereon, to whom such warrant was paid, the amount of such warrant, and the purpose for which such warrant was drawn, and shall post a copy of such statement in three (3) conspicuous places in the district, one (1) of which shall be on the school house of the district, and in all districts disbursing annual amounts exceeding Five Thousand Dollars ($5,000.00), he shall file with the county superintendent a copy of said statement not later than the first week in August, or he shall with the approval of the Board of Trustees, cause the books to be audited by either the State Examiner's office or by a public accountant approved by the State Examiner, and the report of such audit shall be filed with the county superintendent not later than the first week in August.

Contents.

Posting.

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Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force from and after its passage and approval.

Approved March 16, 1931.

CHAPTER 165.

An Act to Amend Section 3386 of the Revised Codes of Montana of 1921, Relative to the Trespass of Animals in Herd Districts, and Prescribing Penalties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3386 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 3386. **Trespassing Animals—Proceedings Respecting.** If any such animal or animals wrongfully enter upon premises of any person within such district, the owner or person in control of such animal or animals shall be liable for care and feed and for any damages occasioned by such livestock to the landowner. The owner or occupant of the land upon which such wrongful entry is made may take into his possession such animal or animals, and reasonably care for the same, and may retain possession thereof and be entitled to a lien thereon as security for the payment of damages and charges occasioned by such livestock. If the owner of such livestock, or the person entitled to the possession thereof, can be found or is known to the person who takes it up for trespass, it shall be his duty to notify the owner, owners, or persons in charge thereof, within forty-eight (48) hours after taking possession thereof, by a notice in writing, duly mailed as a registered letter, directed to such owner or person in charge at his post office address or by serving such notice on him personally, which notice shall give a particular description of the livestock and state the amount of damages claimed, and demand that within forty-eight (48) hours after receipt of such notice the damages and costs be paid and that the animal or animals be taken away from the prop-

Trespassing animals.

Proceedings.

Care, feed and damages.

Lien.

Notify owner.

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erty of the complainant. Upon demand, the owner or occupant of the land shall release and deliver possession of such stock to the owner or person entitled thereto, upon payment of the damages and charges, and if the parties cannot agree upon the amount, then and in that event, the owner or person entitled to said stock shall

Receipt on demand.

give a receipt to the owner or occupant of the land having possession of the same, which receipt shall fully describe the animal or animals so that they may at any time be easily identified, and thereupon the owner or occupant of the land shall give possession of such livestock to the owner or person entitled thereto, making claim therefor. The owner or person so receiving possession of such livestock shall not dispose of the same but

Retain possession for claim.

shall retain and keep the same in his possession as the legal custodian thereof in order to meet and pay the amount of the lien thereon for damages and charges due in consequence of any such trespass. The party entitled to such damages or charges shall within ten (10) days after delivery of possession of such livestock commence

Action.

an action in any court having jurisdiction to recover such damages and charges, and such livestock shall be held for the payment of any judgment as effectually as though held under a writ of attachment. At any time after such action is commenced, the owner or person entitled to the stock, to whom delivery of possession was made, may

Bond.

furnish and file a bond conditioned to pay the damages, charges and costs incurred in the action and upon approval of the bond by the justice of the peace, if the action is commenced in a justice court, or by the Judge or Clerk of the District Court, if the action is commenced in the District Court, the lien and claim upon the livestock shall thereupon be discharged. If the owner or person entitled to such livestock does not furnish such a bond within ten (10) days after the service of summons in the action, an order may be issued authorizing

Order to take possession.

and directing the constable or sheriff to take possession and hold the stock to satisfy any judgment which may be recovered in the action, and such stock, when so taken possession of by the officer shall be held, treated and sold under execution the same as though seized and

How sold.

held in the first instance by writ of attachment. The owner or person entitled to the stock may, in lieu of

Cash in place of bond.

furnishing a bond, deposit an amount of money sufficient to pay any judgment which may be recovered in

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such action, the amount to be determined by the justice or judge of the court in which the action is pending. If the owner or person entitled to the livestock, after delivery of possession to him without payment of damages and charges herein provided for, shall sell or dispose of the same or any part thereof, or permit the same to be taken from his possession, or shall in any manner prevent the seizure of the same by the constable or sheriff, as herein provided, before the lien thereon is fully discharged, he shall be guilty of a misdemeanor and in addition thereto shall be liable to the party entitled to such damages and charges in double the value of the stock. At the time of delivery or possession of such stock, the owner or person entitled thereto, a written statement of the amount of the damages and charges shall be furnished to the owner or person entitled to the possession of the stock by the person claiming such damages and charges. If the owner or claimant of such stock is not known to the person taking up such stock he shall give notice thereof within forty-eight (48) hours by posting a notice at the nearest post office and serving a like notice on the stock inspector of the district, which notice shall describe each animal or animals, the brand thereon, and give a minute description thereof, together with the date of the trespass.

Penalty.

Notice in case of unknown owner.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 16, 1931.

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CHAPTER 166.

An Act to Amend Section 2357 of the 1921 Revised Codes of Montana, as Amended by Section 1 of Chapter 127 of the Laws of 1925; Requiring Persons Engaged in the Business of Producing, Manufacturing, or Importing Cement and Gypsum and Products of Either; to Pay to the State of Montana a License Tax for Engaging in Such Business; Fixing the Amount of Such License Tax and Defining the Term "Import".

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2357 of the Revised Codes of the State of Montana of 1921, as amended by Section 1 of Chapter 127 of the Laws of 1925, be, and the same is hereby amended to read as follows:

License tax on manufacturers and importers of cement.

Section 2357. **License Tax on Manufacturers and Importers of Cement, Etc.** Every person engaged in or carrying on the business of producing or manufacturing cement, cement plaster, gypsum plaster or other products of cement or gypsum in this State, and any person who imports into this State any such products for sale or use, must, for the year 1931, and each year thereafter, when engaged in or carrying on such business in this State, pay to the State Treasurer, for the exclusive use and benefit of the State of Montana, a license tax for engaging in and carrying on such business, in an amount equal to four cents (4c) per barrel for each and every barrel of cement containing three hundred and seventy-six (376) pounds, and five cents (5c) per ton of two thousand (2,000) pounds on cement plaster, or gypsum or gypsum products manufactured, produced or imported into this State during such year by such person.

Definition of "import".

Section 2. The word "import" shall include and mean to receive into any person's possession or custody first after its arrival and coming to rest at destination within the State of Montana of any cement, cement plaster, gypsum plaster or the products of either, shipped or transported into this State from point of origin without this State.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

CHAPTER 167.

An Act to Amend Section 19 of Chapter 57 of the Montana Session Laws of 1927, Relating to Payment of Expenses, Losses and Contingent Fund, Also Dividends, of Building and Loan Associations and Adding Thereto a Provision for an Optional and Limited Reserve Fund Under Certain Conditions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 19 of Chapter 57 of the Montana Session Laws of 1927, be, and the same is hereby amended and re-enacted to read as follows:

Section 19. **Payment of Expenses—Losses—Dividends —Reserve Fund.** All expenses of any such association shall be paid out of the earnings only, in such manner as may be provided in its by-laws. The charges incident to a loan, if paid by the borrower, shall not be deemed a part of the current expenses. Payment of expenses.

Associations so desiring may annually or semi-annually credit to a reserve fund the net earnings remaining after the payment of expenses and dividends and after crediting the contingent fund with the amount required by law; provided, the amount so credited to the reserve fund in any fiscal year shall not exceed one per centum (1%) of the book value of the outstanding stock. The reserve fund shall not exceed five per centum (5%) of the book value of the outstanding stock. The reserve fund so created may be used for the payment of dividends; provided the amount of the reserve fund so used shall not exceed one per centum (1%) of the book value of the outstanding stock in any year; provided further, that should the contingent fund of an association become exhausted, then no part of the reserve fund may be used for the payment of dividends and in the discretion of such association such reserve fund or the part thereof it shall deem necessary shall be credited to the contingent fund. Reserve fund. Proviso. Proviso.

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Dividends.

Dividends shall be declared semi-annually from the net earnings of the association and shall be paid or credited to all stockholders at such time and in such manner as provided in the constitution and by-laws.

Losses.

Losses in excess of the contingent fund and reserve fund shall be assessed pro rata in the same proportion and manner on all stockholders, to the extent only of their stock credits in such association.

Repealing clause.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 16, 1931.

CHAPTER 168.

An Act to Amend Section 12 of Chapter 57 of the Laws of the Twentieth Legislative Assembly of 1927, of the State of Montana, Relating to Powers and Duties of Building and Loan Associations, by Adding Thereto a Provision for the Consolidation of Building and Loan Associations and for the Absorption by One (1) Building and Loan Association of One (1) or More Other Building and Loan Associations and Prescribing the Manner in Which Such Consolidation or Absorption Shall Be Affected.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 12 of Chapter 57 of the Laws of the Twentieth Legislative Assembly of 1927, of the State of Montana, be, and the same is hereby amended by adding thereto a paragraph to be numbered 22 which shall read as follows:

Consolidation of building and loan associations.

22. Any two (2) or more Building and Loan Associations, by and with the consent and approval of the Superintendent of Banks, may consolidate and unite and become incorporated in one (1) body, with or without any dissolution or division of the funds or property of any such association, or any such association may transfer its engagements, funds and property to any like association upon such terms as may be agreed upon by a majority vote of the respective Boards of Directors, and ratified by a two-thirds (2/3) vote of the shares present

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and voting in person or by proxy at a special meeting or meetings of the stockholders of the respective associations convened for that purpose, upon notice given as provided by law, said notice to state the object of the meeting. No such transfer shall prejudice any right of any creditor of any such association.

Creditors.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force upon its passage and approval.

Approved March 16, 1931.

CHAPTER 169.

An Act Providing the Fees to be Paid by a Foreign Corporation for Filing a Certified Copy of its Charter or Articles of Incorporation in the Office of the Secretary of State of the State of Montana; Requiring the Filing of Reports and the Making of Statements by Such Corporations, and Repealing Chapter 132, Laws of the Eighteenth Legislative Assembly of Montana of 1923; Chapter 95 of the Laws of the Nineteenth Legislative Assembly of Montana of 1925, and all Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That every foreign corporation required by law to file in the office of the Secretary of State a certified copy of its charter or articles of incorporation shall pay to the Secretary of State for the filing thereof as follows:

Foreign corporation filing certified copy of articles.

Upon the proportion of its capital stock then or thereafter to be represented by its property and business in Montana at the rate of One Dollar ($1.00) per Thousand Dollars ($1,000.00) for the first One Hundred Thousand Dollars ($100,000.00); at the rate of eighty cents (80c) per Thousand Dollars ($1,000.00) for any additional from One Hundred Thousand Dollars ($100,000.00) to Two Hundred Fifty Thousand Dollars ($250,000.00); at the rate of sixty cents (60c) per Thousand Dollars ($1,000.00) for any additional from Two Hundred Fifty Thousand

Fees.

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Dollars ($250,000.00) to Five Hundred Thousand Dollars ($500,000.00); at the rate of forty cents (40c) per Thousand Dollars ($1,000.00) for any additional from Five Hundred Thousand Dollars ($500,000.00) to One Million Dollars ($1,000,000.00); and at the rate of twenty cents (20c) per Thousand Dollars ($1,000.00) for any additional over One Million Dollars ($1,000,000.00), provided, however, that no fee for filing shall be less than Fifty Dollars ($50.00).

Verified report on stock and assets.

Section 2. Every foreign corporation which is required by law to file in the office of the Secretary of State a certified copy of its charter or articles of incorporation shall annually and between the first days of January and March of each year file in said office a report verified by the oath of its president, vice president, or secretary, stating the proportion of its capital stock represented in the State of Montana by its property located and business transacted therein during the preceding year.

How proportion of capital stock employed in this State shall be figured.

Section 3. In determining the proportion of capital stock employed in this State the same shall be computed by taking the gross business in dollars of the corporation in the State for the preceding year and adding the same to the full value in dollars of the property of the corporation located in the State and by taking the total gross business in dollars of the corporation, both within and without the State for the preceding year, and adding thereto the full value in dollars of the entire property of the corporation both within and without the State and by then dividing the total value in dollars of the business and property in the State by the total value in dollars of all the business and property of the corporation, the quotient thus obtained to be taken as the percentage of the capital stock represented by the business and property within the State. The Secretary of State may demand as a condition to the filing of such report

Statements.

a statement verified by the president, vice president or secretary of such foreign corporation, showing in detail the information required for the making of the calculation aforesaid, which statement when so demanded shall be attached to and filed with such report

Section 4. Whenever such report shall show a greater proportion of the capital stock of such foreign corpora-

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tion represented by its property and business in Montana than that upon which the fee for filing the charter or articles of incorporation was based, such foreign corporation at the time of filing such report, shall pay such additional fee as it would have been required to pay for filing if such fee had been calculated on the basis of the proportion of the capital stock represented by its business and property in Montana as shown by such report.

Additional fee.

Section 5. If a foreign corporation has capital stock of no par value, the value of its shares, for the purpose of determining the amount of fees to be paid hereunder, shall be determined upon the clear present market value of said shares; provided, however, that if the clear present market value of said shares is not readily ascertainable, then the shares shall be considered to be of the value as shown by the books of account of the corporation.

No par value.

Proviso.

Section 6. If any foreign corporation shall fail to file such annual report, or to pay such additional fee or shall file a false report, it shall forfeit its right to do business in this State.

Penalty for failure.

Section 7. That Chapter 132 of the Laws of the Eighteenth Legislative Assembly of Montana, 1923, Chapter 95 of the Laws of the Ninteenth Legislative Assembly of Montana of 1925, and all other Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 7-A. The provisions of this Act shall not apply to corporations which entered Montana for the transaction of business prior to February 27, 1915.

Where applicable.

Section 8. This Act is hereby deemed and declared to be an emergency Act and shall be in full force and effect immediately upon its passage and approval.

Emergency.

Approved March 16, 1931.

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CHAPTER 170.

An Act Providing a Method by Which a Foreign Corporation Which Has Filed the Documents Prescribed by Sections 6651 and 6652 Revised Codes of Montana, 1921, May Surrender its Authority to Transact Business in Montana and Withdraw Therefrom, and Prescribing the Duties of the Secretary of State in Connection Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

How foreign corporation may surrender certificate.

Section 1. A foreign corporation having authority under Section 6651 and 6652 Revised Codes of Montana of 1921 to do business in this State, may surrender such authority by filing in the office of the Secretary of State, a certificate under its corporate seal and the signature of its president, vice-president, or other acting head, setting forth:

1. The name of the corporation and the state under whose laws it is incorporated.

Contents of certificate to be filed.

2. The date on which it received authority to do business in this State.

3. Revoking its designation of the person upon whom process against the corporation may be served in this State.

Returns certificate.

4. That it surrenders its authority to do business in this State and that, as evidence of such surrender, it returns to the Secretary of State, for cancellation, the certificate issued by the Secretary of State; provided that if such certificate has been lost or destroyed, affidavit as hereinafter provided shall be filed in lieu of such original certificate.

Service of process.

5. That it agrees that service thereafter may be made upon the corporation in any suit based upon contracts or torts or causes of action arising in the State of Montana during the time the corporation was authorized to transact business in this State, by serving the Secretary of State, who for that purpose is hereby made the agent of the corporation.

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Proof of execution in the form prescribed by Section 6915 of the Revised Codes of the State of Montana, 1921, shall be attached. The certificate of authority shall be attached to the certificate of surrender, unless such certificate of authority has been lost or destroyed, in which event, there shall be attached an affidavit of the president, vice-president, secretary, or other officer of the corporation, to the effect that such certificate has been lost or destroyed, as the case may be. On the filing of such certificate, the Secretary of State shall make a note of the filing thereof on his index of corporations and thereupon the authority of the corporation to do business within this State shall cease and terminate, and no such corporation doing business in this State after the filing of such certificate of surrender of authority shall maintain any action in this State upon any contract made by it in this State subsequent to the filing of such certificate of surrender of authority. The filing of such certificate shall not, however, affect any action pending at the time of such surrender, or affect any action in the State upon any contract as to it or cause of action arising, in this State before the filing of the certificate of surrender of authority.

Proof of execution.

Filing.

Effect on action pending.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

CHAPTER 171.

An Act Regulating the Size and Weight of Highway Vehicles, the Size of Loads Which May be Placed Upon or Within Highway Vehicles; Regulating the Size and Number of Trailers and Towed Vehicles, and Limiting the Total Load Permissible for Each Vehicle and the Gross Weight on Any Axle, and Prohibiting the Use of Vehicles with Wheels Having on Their Periphery Any Block, Stud, Flange, Cleat or Spike.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Scope and Effect of This Act.** It shall be unlawful and constitute a misdemeanor for any person to drive or move, or for the owner to cause or know-

Scope and effect of this Act.

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ingly permit to be driven or moved, on any public highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this Act, or any vehicle or vehicles which are not so constructed or equipped as required in this Act or the rules and regulations of the Highway Commission or local authorities adopted pursuant thereto, and the maximum size and weight of vehicles herein specified shall be lawful throughout this State, and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this Act.

Size of vehicles and loads.

Section 2. **Size of Vehicles and Loads.** (a) No vehicle shall exceed a total outside width, including any load thereon, of eight (8) feet, except that the width of a farm tractor, or of loads of hay or straw, shall not exceed twelve (12) feet, and except further that the limitations as to size of vehicles stated in this section shall not apply to implements of husbandry temporarily propelled or moved upon the public highway or to road machinery engaged in the construction or maintenance of highways.

(b) No vehicle unladen or with load shall exceed a height of fourteen (14) feet six (6) inches.

(c) No vehicle shall exceed a length of thirty-three (33) feet.

(d) No vehicle shall carry any load extending more than three (3) feet beyond the front thereof.

(e) No passenger vehicle shall carry any load extending beyond the line of the fenders on the left side of such vehicle, nor extending more than (6) inches beyond the line of the fenders on the right side thereof.

Trailers and towed vehicles.

Section 3. **Trailers and Towed Vehicles.** (a) No motor vehicle shall be driven upon any highway drawing or having attached thereto more than one other vehicle.

(b) The draw bar or other connection between any two (2) vehicles, one (1) of which is towing or drawing the other on a highway, shall not exceed fifteen (15) feet in length from one (1) vehicle to the other. Whenever such connection consists of a chain, rope or cable, there shall be displayed upon such connection a red flag or other signal or cloth not less than twelve (12) inches both in length and width.

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(c) The total length of any combination of vehicles shall in no case exceed sixty (60) feet; provided, however, that the Highway Commission and local authorities in their respective jurisdictions may further limit the length of trailers on highways where curvature would make the use of long trailers dangerous to other traffic using the highway.

Weight of vehicles and loads.

Section 4. **Weight of Vehicles and Loads.** No vehicle of four (4) wheels whose gross weight including load is more than twenty-four thousand (24,000) pounds; no vehicle having a greater load than sixteen thousand eight hundred (16,800) pounds on one (1) axle, and no vehicle having a load of over eight hundred (800) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway (said width in the case of solid rubber tires to be measured between the flanges of the rim) shall be permitted on highways which are surfaced with gravel or higher type of surfacing. When axles are spaced less than eight (8) feet apart the load on each axle shall not exceed eight thousand four hundred (8,400) pounds.

Single vehicular units of more than four (4) wheels operated without trailer or semi-trailer shall be permitted a gross weight not exceeding thirty-four thousand (34,000) pounds provided the gross weight on any axle does not exceed thirteen thousand (13,000) pounds.

Officers may weigh vehicles and require removal of excessive loads.

Section 5. **Officers May Weigh Vehicles and Require Removal of Excessive Loads.** Any peace officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh the same either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scales in the event such scales are within two (2) miles. The officer may then require the driver to unload immediately such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum therefor specified in this Act.

Permits for excess size and weight.

Section 6. **Permits for Excess Size and Weight.** The State Highway Commission and local authorities in their respective jurisdictions may in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle of a size or weight

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exceeding the maximum specified in this Act upon any highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible. Every such permit shall be issued for a single trip and may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting such permit. Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer, and it shall be a misdemeanor for any person to violate any of the terms or conditions of such special permit.

When authorities may restrict right to use highways.

Section 7. **When State or Local Road Authorities May Restrict Right to Use Highways.** State or local road authorities may by ordinance or resolution prohibit the operation of vehicles upon any public highway under their respective jurisdictions or impose restrictions as to the weight of vehicles, for a total period of not to exceed ninety (90) days in one (1) calendar year, when operated upon any public highway under the jurisdiction of and for the maintenance of which such authorities are responsible, whenever any said highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. Such authorities enacting any such ordinance or resolution shall erect or cause to be erected signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective until or unless such signs are erected. Such authorities may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

Signs.

Restrictions as to tire equipment.

Section 8. **Restrictions as to Tire Equipment.** (a) Every solid rubber tire on a vehicle moved on any highway shall have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery.

(b) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike, or any other protuberances of any material other

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than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to slide or skid.

Chains.

(c) The State Highway Commission and local authorities in their respective jurisdictions may in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks on farm tractors or other farm machinery.

Permits for tractors.

Section 9. **Penalties for Misdemeanor.** (a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Act unless such violation is by this Act or other law of this State declared to be a felony.

Penalty for violation.

Misdemeanor.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this Act for which another penalty is not provided shall for a conviction thereof be punished by a fine of not more than One Hundred Dollars ($100.00) or by imprisonment in the county or municipal jail for not more than ten (10) days; for a second such conviction within one (1) year thereafter such person shall be punished by a fine of not more than Two Hundred Dollars ($200.00) or by imprisonment in the county or municipal jail for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction such person shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the county or municipal jail for not more than six (6) months or by both such fine and imprisonment.

Section 10. All Acts and parts of Acts in conflict with this Act, are hereby repealed.

Repealing clause.

Approved March 16, 1931.

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CHAPTER 172.

An Act to Amend Chapter 69 of the Laws of the Twenty-first Legislative Assembly, Being "An Act Regulating the Slaughtering of Neat Cattle and the Selling of the Meat and the By-Products Thereof; Defining and Providing for the Licensing of Butchers and Meat Peddlers; for the Inspection and Tagging and Stamping of Hides and Meat; for the Issuance and Recording of Certificates of Inspection; Fees for Such Inspection and Penalties for Violation of This Act; and Repealing Chapter 121 of the Twentieth Legislative Assembly of Montana, and All Acts and Parts of Acts in Conflict Herewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 69 of the Laws of the Twenty-first Legislative Assembly be and the same is hereby amended to read as follows:

Section 1. Every person, firm, corporation or association who slaughters or causes to be slaughtered neat cattle for the purpose of selling or distributing any of the meat or by-products of such cattle in this State, and who maintains slaughter houses or meat markets for this purpose, and who comply with the rules and regulations of the Montana Livestock Sanitary Board and the State Board of Health, and with the city or town health ordinances where said business is operated, or any other ordinance pertaining to meat dealers, shall, for the purpose of this Act, be designated a "butcher". Every other person, firm, corporation or association, who slaughters or causes to be slaughtered any neat cattle or who buys and sells any dressed beef or veal, and who does not maintain a licensed slaughter house or market, shall, for the purpose of this Act, be designated a "meat peddler".

Definition of "butcher".

Definition of "meat peddler".

Section 2. Every butcher, shall, before engaging in or conducting any business as such, in any county, pay to the county treasurer of such county a license of Five Dollars ($5.00), which license shall continue in force and effect for the balance of the calendar year in which it was issued, and which shall be deemed null and void after January 1st of the succeeding year, and every meat peddler shall, before commencing or doing any business or

Butcher license.

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performing any acts in any county as such meat peddler, pay to the county treasurer of such county, a license of One Hundred Dollars ($100.00), which shall continue in force and effect for the balance of the calendar year in which it is issued, and which shall be deemed null and void after January 1st of the succeeding year. It shall be the duty of every meat peddler to have his license with him at all times when transacting business, and it shall be the duty of every butcher to display his license in a conspicuous place in his market. Failure to have such license shall be deemed a misdemeanor. The County Treasurers of the State are hereby authorized and required, upon the payment of such licenses, to issue a proper certificate of such payment. The moneys collected from such licenses shall be placed in the general fund of the county wherein collected.

Peddler license.

Penalty.

Certificate.

This section shall not apply to the slaughter of meat by any person, firm, corporation, or association who may slaughter or cause to be slaughtered any neat cattle of his or its own breeding, nor to the sale of slaughtered cattle of his or its own breeding; provided any person who shall sell the equivalent of more than twenty-five (25) carcasses, beef and/or veal, in any one (1) year shall take out a license as herein provided for.

Limit on cattle of own breeding.

Section 3. All butchers and meat peddlers and all other persons shall have the hide in its entirety with tail attached of each beef or veal inspected in the county where the animal was slaughtered by a livestock inspector, or deputy, or by a sheriff or his deputy, or by any person designated by the board of County Commissioners other than a butcher, meat peddler, or employee or any butcher or meat peddler, who shall mark said hide or hides in such manner as the Livestock Commission may from time to time by fixed rule require. Each of the four quarters so presented shall be stamped with an ink stamp, which stamp shall be provided by the county and the form of which shall be specified by the Livestock Commission. Said inspector, sheriff, or authorized inspector shall keep a record and issue a certificate of inspection, on a form provided by the county, which form shall be specified by the Livestock Commission, giving the butcher's or peddler's or person's name, the place of business, the serial number of the inspection of the hide, the brand or brands on the hide, the date of

Possession of hide.

Stamp.

Records.

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inspection, and the place where such inspection was made. The officer making such inspection shall forward a copy of all inspection certificates to the Secretary of the Livestock Commission at Helena, and to the County Clerk of the County in which said inspection was made, on or before the first day of each month, and such inspection certificates shall be placed on file in the offices aforementioned.

Bill of sale.

When ownership of the carcass and hide presented is claimed on a bill of sale, the officer making the inspection shall demand and receive the original bill of sale, which bill of sale shall be attached to the inspector's certificate sent to the County Clerk and Recorder. When such bills of sale cover cattle not included in the inspection, the inspector shall issue to the owner of the bill of sale a receipt for such bill of sale. Said receipt shall describe the balance of the cattle covered by the original bill of sale. For each hide inspected the authorized officer making such inspection shall collect a fee of twenty-five cents (25c) for beef hides, and for veal hides a fee of ten cents (10c), such fee to be retained by the inspector, provided, however, that any butcher or hide dealer may contract or agree with the inspector for inspection at a less fee than twenty-five cents (25c) for each hide; and provided further that all such contracts inspector shall be appointed by the Livestock Commission.

Fee for inspection.

Proviso.

When inspection not necessary.

Any person who kills beef or veal in good faith for his own use or for the use of himself and three (3) neighbors shall not be required to have such meat inspected or stamped, nor shall he be required to procure any license provided for in this Act.

Hides must be inspected.

Section 4. Every person or persons, firm, corporation or association, slaughtering cattle for their own use, must before disposing of the hide or hides from such cattle, have the same inspected by an officer authorized to make such inspection and secure a certificate of inspection as hereinbefore provided for. It shall be unlawful for any person or persons, firm, corporation, or association to sell or offer for sale any hide or hides from neat cattle which have not been inspected and identified by an authorized inspector.

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Inspection for buyers.

Beef or veal hides may be sold to buyers without inspection; provided the purchaser immediately takes such hide or hides to the inspector residing in the county where such hide or hides were sold, and closest to the point where sale was made for inspection and identification. Such buyer must deliver to the inspector a bill of sale signed by the seller, fully describing such hide or hides as to sex, age, color, brands and whether green or dry. Such bills of sale shall be transmitted by the inspector to the County Clerk and Recorder with the report of the inspection.

Application.

Section 5. It shall be unlawful for any person or persons, firm, corporation, or association to purchase the hide or carcass or any part thereof of any beef or veal without the inspection or identification herein provided for. The provision of this section shall not apply to any person or persons who shall purchase from a licensed butcher or peddler beef or veal in quantities less than one quarter of an animal.

Authority of officers.

Section 6. Any officer having authority to make the inspection herein provided for may enter into and inspect butcher shop, slaughter houses, and other places of business of meat peddlers and butchers, or places where beef is handled in quantities, for the purpose of determining whether the provisions of this Act have been complied with. In case meat is found which is being held in violation of the provisions of this Act, the officers shall have authority to seize and take the same. All meat so seized shall be sold under the direction of a stock inspector, sheriff, or other officer authorized, at either public or private sale, for the best price obtainable, and the proceeds shall be paid to the County Treasurer of the County in which said meat is seized for the benefit of the general fund of said county.

Transporting.

Section 7. It shall be unlawful and a misdemeanor for any person to transport by a motor truck or other vehicle or have in his possession for the purpose of sale any meat which has not been inspected and stamped as required by the provisions of this Act, and any officer authorized shall have the right to seize and sell the same as hereinbefore provided; provided, however, that this shall not apply to meat being transported or held for the purpose of inspection and stamping as provided for in this Act.

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Loss of license as penalty.

Section 8. In addition to the penalties provided by Section 9 of this Act, any butcher, meat peddler, or any other person as defined by this Act, who shall violate any of the terms of this Act, shall suffer a forfeiture of the license required by this Act, and no license shall again be issued to such person until the expiration of one (1) year from the date of such conviction.

Penalty.

Section 9. Any person or persons who violates any of the provisions of this Act, or who wilfully falsifies any of the records required by this Act, to be kept, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars ($100.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a period of not less than thirty (30) days nor more than six (6) months, or by such fine and imprisonment for the first offense, and for each subsequent offense shall be deemed guilty of a felony and punished by imprisonment in the state prison for not less than one (1) year nor more than five (5) years.

Saving clause.

Section 10. If any clause, sentence, section, paragraph, or part of this Act shall for any reason be adjudged by any Court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly adjudged to be invalid and inoperative.

Repealing clause.

Section 11. Chapter 121 of the Session Laws of the Twentieth Legislative Assembly of Montana of 1927, and Chapter 69 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

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CHAPTER 173.

An Act to Amend Section 5232 and 5234 of the Revised Codes of Montana of 1921, Relating to Special Improvement Districts in Cities and Towns; Providing for the Calling for Bids for Work and Awarding of Contracts; Providing for the Re-Advertising for Bids Within One (1) Year; Providing This Act to be Applicable to Such Districts Created Within the Preceding Two (2) Years; and Providing for the Reletting of Contracts After Default of Contractor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5232 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 5232. **Bid for Work and Award of Contract.** Notice inviting proposals, and referring to the specifications on file, shall be published at least twice in a daily, semi-weekly, or weekly newspaper, published and circulated in said city, designated by the council for that purpose, and in case there is no newspaper published in said city, then it shall be posted in at least three (3) public places.

Notice inviting bids.

The city council may call for bids or proposals for several kinds and types of materials for any improvements proposed to be made under Sections 5225 to 5257 of this Code, reserving the right to select the kind or type of material to be used in making any such improvements, after the bids or proposals therefor shall have been opened, examined, and declared.

City reserves right to select material.

The time fixed for the opening of bids shall be not less than ten (10) days from the time of the final publication of said notice. All proposals or bids offered shall be accompanied by a check payable to the city, certified by a responsible bank for an amount which shall not be less than ten per centum (10%) of the aggregate of the proposal. Said proposals or bids shall be delivered to the clerk of the said city council, and said city council shall, in open session, publicly open, examine, and declare the same; provided, however, that no proposal or bids shall be considered unless accompanied by said check.

Check with bids.

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May reject.

The city council may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent or unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid.

Lowest bidder.

Re-advertise.

If the bids are rejected, or no bids are received, the city council may, at any time within two (2) years thereafter, and whenever and as often as the city council deems it advantageous, re-advertise for proposals or bids for the performance of the work as herein provided, without further proceedings, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the checks corresponding to the bids so rejected. But the checks accompanying such accepted proposals or bids shall be held by the city clerk of said city until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder, or by the owners of over fifty per centum (50%) of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects, or refuses to enter into the contract to perform said work or improvements, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be declared to be forfeited to said city, and shall be collected by it and paid into the general fund. The provisions hereof shall be applicable to all special improvement districts created within one (1) year preceding the passage and approval of this Act.

Hold check.

Where check forfeited.

Section 2. That Section 5234 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 5234. **Reletting Contract After Default of Contractor.** But if such original bidder neglects, fails, or refuses for fifteen (15) days after the notice of award to enter into the contract, then the city council, without further proceedings, shall again advertise for proposals or bids, as in the first instance, and award the contract for said work to the then lowest regular bidder. Should no bids be received in response to the call for proposals,

Reletting contract after default of contractor.

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the council may again advertise for bids under the same proceedings at any time within six (6) months from the time set for the last reception of bids, and let the contract to the then lowest bidder, and such delay shall in no way affect the validity of any of the proceedings or assessments levied thereunder. The bids of all persons and the election of all owners, as aforesaid, who have failed to enter into the contract, as herein provided, shall be rejected in any bidding or election subsequent to the first for the same work.

Saving clause.

Section 3. If any section, clause or sentence of this Act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portion of this Act.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

CHAPTER 174.

An Act to Provide for Licensing of Farm Storage Public Warehousemen, and the Issuance of Special Bin Farm Warehouse Receipts.

Be it enacted by the Legislative Assembly of the State of Montana:

Duties of Commissioner of Agriculture.

Section 1. **Farm Storage Supervisor.** The Commissioner of Agriculture, Labor and Industry of the State of Montana, hereinafter called the "Commissioner", is hereby empowered, and it is his duty to carry out the provisions of this Act. In so doing he shall appoint a Supervisor of Public Farm Storage Warehouses, hereinafter called the "Supervisor". The Commissioner is hereby given full and complete authority to make the necessary rules and regulations for carrying out the provisions of this Act.

Appointment of supervisor.

The Chief of the Grain Division in the Department of the Commissioner of Agriculture shall be the supervisor of this Act.

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Farm storage public warehouseman defined.

Section 2. **Farm Storage Public Warehousemen Defined.** All persons, firms, corporations or associations, now or hereafter engaged in the business of buying, selling or storing grain in the State of Montana, and licensed by the commissioner to conduct such business, may, upon application in such form as shall be described by the commissioner, receive a license as Farm Storage Public Warehousemen in compliance with the provisions of this Act, and the rules and regulations of the commissioner. All licenses issued under the provisions of this section shall run for one (1) year, and expire on May 31st of each year. The license fee, which must accompany the application is hereby fixed at Five Dollars ($5.00) for each warehouse operated, except that where more than one (1) warehouse operated by the same person, firm, corporation or association is located in one (1) place only one (1) license need be applied for. The fees collected under the provisions of this Act shall be paid into the State Treasury and credited to the Department of Agriculture, Labor and Industry Revolving Fund for Grain Grading.

Bond of applicant.

Section 3. **Bond.** Before any license shall be issued to an applicant under this Act there shall be filed with the commissioner a bond with corporate surety in such amount as shall be fixed by the commission, but in no case shall the amount be less than Five Thousand Dollars ($5,000.00). Such bond shall cover the period of the license and shall run to the State of Montana for the benefit of all persons holding Special Bin Farm Warehouse Receipts issued under the provisions of this Act. This bond shall be conditioned upon the faithful performance of the applicant in complying with the provisions of this Act, and all rules and regulations of the commissioner issued hereunder. The commissioner is authorized to require the filing of additional bond with corporate surety in an amount necessary to protect the holders of Special Bin Farm Warehouse Receipts issued in pursuance to the provisions of this Act.

Additional bond.

Report to Commissioner.

Every licensee hereunder shall render to the commissioner a report at the close of each month, in such form as the commissioner shall prescribe, setting forth the number of each Special Bin Farm Warehouse Receipt issued, the name of the person to whom issued, the date, the gross, dockage and net bushels, kind and grade of

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grain, character of the bin or granary and the number of the seal applied, or other pertinent information which the commissioner may require. From such monthly reports the commissioner shall determine the amount of bond necessary for the protection of Special Bin Farm Warehouse Receipt Holders, and in no case shall the bond be less than the market value of such grain on the last day of the month for which the report is made.

License to be posted.

Section 4. **License to Be Posted.** All licenses issued in pursuant to this Act shall be posted in a conspicuous place in the warehouse of the applicant, and no person, firm, corporation or association shall operate as a Farm Storage Public Warehouseman until such license is procured and posted as provided herein. Any person, firm, corporation or association violating the provisions of this Act shall be guilty of a misdemeanor.

Duties of farm storage public warehouseman.

Section 5. **Duties of Farm Storage Public Warehouseman.** Any Farm Storage Public Warehouseman licensed under this Act shall be authorized, at his discretion, to issue Special Bin Farm Warehouse Receipts, which receipts shall be in the name of the elevator company operated by said warehouseman and in the form herein described:

SPECIAL BIN FARM WAREHOUSE RECEIPT

.....ELEVATOR COMPANY .....19....

Form of receipts.

....., Montana.

The following described grain has been received for storage under the provisions of Chapter .....S. L. 1931, from

.....

Name of Owner (custodian)

.....

Gross Dockage Net Bushels

.....

of kind of grain grade and dockage

located at .....

Legal description of premises where grain is stored and stored in .....

description of granary

and such granary has been sealed with the seal of the undersigned, number.....

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Deliver on surrender of receipt.

The undersigned elevator company hereby agrees upon surrender of this receipt to make delivery of the grain herein described in net bushels, or if unable to make delivery of the identical grain, to deliver a like quantity of the same grade as represented by this receipt, in net bushels. Upon the surrender of this receipt for delivery in carload lots the holder hereof agrees to pay to the issuing licensee the legal handling charges. The above described grain has been stored to May 31st, following the date of issuance hereof, except in the case of shelled corn, when the date of expiration shall be on March 31st following. Said grain has been insured for the account of the owner and the premium thereon shall be considered as an advance and collected from the holder hereof at the time of cancellation. The custodian of the grain covered by this receipt agrees to deliver the grain to the elevator of the licensee upon demand. Refusal or failure to so deliver empowers the licensee to take possession and transport the grain to his elevator. The charges of such transporting shall be considered as an advance and collected at the time of cancellation of this receipt.

Delivery.

.....Gross Bu. .....Elevator Company.

.....Dockage Bu. .....Manager.

.....Net Bu.

No other form may be issued.

No other form of Special Bin Farm Warehouse Receipt may be issued, nor can any other language be used than that stated in the contract of storage in the above warehouse receipt.

Triplicate.

All such warehouse receipts issued under the provisions of this Act shall be in triplicate, the original receipts to be printed on white and the two duplicates upon tinted paper, such originals to be delivered to the owner, one of the duplicate copies to be retained by the licensee and the other to be filed in the office of the county clerk and recorder of the county in which said grain is stored, which receipts shall be indexed as a chattel mortgage and for the filing thereof no fee shall be collected by any county clerk and recorder. Such filing shall be noticed that the grain described in such receipt is pledged to the redemption of the same. Any assignment of said receipt may also be filed and properly endorsed upon the receipt,

Filing.

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and shall when filed have the same force as the filing of an assignment of chattel mortgage. Both copies of receipts shall have plainly printed or stamped across the face thereof "Duplicate Receipt—No Value".

Application for special bin farm warehouse receipt.

Section 6. **Application for Special Bin Farm Warehouse Receipt.** The owner of any grain desiring a Special Bin Farm Warehouse Receipt shall make application therefor to the licensee, in such form as the commissioner shall prescribe, and which shall contain the following specific contract: "The undersigned applicant hereby agrees if a Special Bin Farm Warehouse Receipt is issued under this application, to give to the grain covered by such receipt the same degree of care and diligence which an ordinary prudent man would exercise to similar property of his own, and to make delivery of the grain covered by said receipt upon demand of the licensee to the elevator of the licensee issuing the receipt, without cost to said licensee."

Inspect bin.

Prior to the issuance of any Special Bin Farm Warehouse Receipt it shall be the duty of the licensee carefully to inspect the bin or granary in which the grain is stored to determine the availability for the warehousing of grain; to procure a fair average sample of such grain by the use of a standard grain probe, and thereafter to seal the bin or granary with a ball type seal, bearing the name of the elevator company and the seal number, which numbers are to run consecutively. The sample drawn from the bin or granary is to be placed in an air-tight container and taken to the elevator for inspection; a portion of said sample not less than one (1) pint, shall be kept in an air-tight container, properly marked with the name of the owner and his location, to be held for a period of time not less than one (1) month from the time of inspection.

Sample.

How kept.

Inspections.

Any licensee hereunder may make periodic inspections of the bins of granaries upon which such licensee has issued Special Bin Farm Warehouse Receipts, and for that purpose may enter upon the premises where said bin or granary is located and may break the seal thereon, recording the number of the seal broken and the number of the new seal applied, together with the date, and shall send a report in form prescribed therefor to the commissioner, retaining a copy for his own file.

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Inspection of books and records.

Section 7. **Inspection of Books and Records.** It shall be the duty of the supervisor to inspect, or cause to be inspected, all books, records and accounts of licensed Farm Storage Public Warehousemen at frequent intervals, to determine that the provisions of this law and the rules and regulations of the commissioner are being complied with. In so doing, the said supervisor or his agents shall have full and complete authority to demand and procure the production of all books, records, documents, memoranda or accounts, pertaining to such licensee in connection with Farm Storage.

Breaking of seal for inspection.

The commissioner or his agents, shall have the right to inspect a bin or granary upon which a Special Bin Farm Warehouse Receipt has been issued and for such purpose may break the seal upon any such bin or granary. After such inspections, the bin or granary shall be resealed with a seal bearing the name of the Department of Agriculture, Labor and Industry of Montana, together with a number, and the number of such seal shall be made a matter of record in the office of the licensee applying the original seal and in the office of the commissioner.

Duty of custodian.

Section 8. **Duty of Custodian.** The custodian of grain stored under Special Bin Farm Warehouse Receipts shall be charged with the due care of such grain and shall exercise that degree of due care and diligence which an ordinary prudent man would exercise to similar property of his own.

The custodian shall also upon demand of the licensee issuing the warehouse receipt deliver said grain to the elevator of the licensee without charge.

Cancellation of warehouse receipts.

Section 9. **Warehouse Receipts — Cancellation.** For the purpose of cancellation of any Special Bin Farm Warehouse Receipt, it will be necessary that the holder thereof present the same to the issuing licensee for cancellation. The licensee shall stamp across the face of said receipt the words, "Surrendered and Cancelled".

Cancelling receipt of record.

The licensee shall notify the county clerk and recorder of the county in which the duplicate receipt is filed, to discharge any cancelled receipt of record, and such county clerk and recorder is hereby required to cancel the same, without charge, upon such notice from the licensee. All original Special Bin Farm Warehouse Re-

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ceipts so cancelled as above by the licensee, shall be retained in the files of his office and a permanent record of such receipt so cancelled shall be kept; such record to show the name of the person or persons to whom the receipt was issued, the number of the receipt, the date of cancellation, and when the receipt cancelled is one surrendered as paid, the name of the person so surrendering and cancelling.

Licensee may demand delivery of grain.

At any time during the life of a Special Bin Farm Warehouse Receipt that the issuing licensee believes that the integrity of such receipt so demands, such licensee is hereby authorized to demand delivery of said grain from the custodian thereof, and such custodian shall, upon receipt of notice to deliver, forthwith comply with such notice. Upon the failure or refusal on the part of the custodian to make delivery of grain covered by a Special Bin Farm Warehouse Receipt as provided in this Act, the licensee is hereby empowered to take possession of such grain and transport the same to his elevator. The cost of transporting the grain to the elevator shall be considered as advance and collected from the receipt-holder at the time of cancellation. Such possession may be taken, provided that there shall be no charge for storage thereon prior to the expiration of the storage period provided for in the receipt.

Failure on the part of the custodian to make delivery as directed shall be considered a misdemeanor.

Penalty for violation, breaking seal or damaging grain.

Section 10. **Penalty for Breaking Seal or Removing or Damaging Stored Grain.** Any person, except the licensed Farm Storage Public Warehouseman who has applied the same, or his successors, or any employee of the commissioner, who shall break the seal of any bin wherein grain is stored under the provisions of this Act, or who shall break or enter the bin wherein said grain is stored, or who shall damage, remove or destroy any grain stored and sealed under this Act, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the county jail for not less than one (1) year, or in the state penitentiary for not less than one (1) year nor more than three (3) years, or by a fine of not less than Three Hundred Dollars ($300.00) nor more than One Thousand Dollars ($1,000.00), and it shall be the duty of the commissioner,

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upon complaint or upon his own motion, to investigate any and all alleged violations of this Act, and to prosecute the violators thereof.

Section 11. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

CHAPTER 175.

An Act to Amend Section 1 of Chapter 17 of the Laws of the Twentieth Legislative Assembly of the State of Montana, as Amended by Section 1 of Chapter 168 of the Laws of the Twenty-first Legislative Assembly of the State of Montana; Providing a Method by Which Refund or Drawback May Be Obtained of License Taxes Paid on Gasoline Handled, and Prescribing the Procedure for Obtaining Refund or Drawback.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 17 of the Laws of the Twentieth Legislative Assembly, of the State of Montana, as amended by Chapter 168 of the Laws of the Twenty-first Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Refund when tax has been paid.

Section 1. That any person who shall purchase and use any gasoline, with reference to which there has been paid into the Treasury of the State of Montana, under the laws of this State licensing dealers in gasoline, a tax at the rate of five cents (5c) per gallon, for the purpose of operating or propelling stationary gas engines, tractors used for agricultural purposes other than on the public highways or streets of this State, motor boats, aeroplanes or air craft, or for cleaning or dyeing, or for any commercial use other than propelling vehicles upon any of the public highways or streets of this State, and who has paid said tax either directly to the State of Montana or indirectly as a part of the purchase price of said gasoline, shall be allowed and paid as a refund or drawback an amount of money equal to five cents (5c) multiplied by the number of gallons of gasoline so purchased and

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used, upon presenting to the Board of Equalization of the State of Montana, within the time allowed by law, a sworn statement, accompanied by the original paid invoices showing such purchase and use, which statement shall set forth that the tax has been paid, the total amount of such gasoline so purchased upon which he has paid the tax and which has been used by such consumer other than for propelling vehicles operated upon any of the public highways or streets of this State, and which statement shall contain such additional information as may be required by the Board of Equalization of the State of Montana on forms to be furnished by said board; provided that such refund or drawback shall not exceed the tax imposed by law. All such applications for refunds or drawbacks shall be filed with the Board of Equalization of the State of Montana within six (6) months after the date on which such gasoline was purchased as shown by such paid invoices. The Board of Equalization of the State of Montana shall have sixty (60) days thereafter within which to make such investigation as it may desire, to ascertain the truths of the statements made. If the statement is found to be correct by said Board of Equalization of the State of Montana, said refund or drawback shall be paid out of the Gasoline License Tax Drawback Fund in the same manner as other claims against the State are paid. Should the Board of Equalization of the State of Montana, after investigation, find that the statement so made by said consumer is false and erroneous in any part, it shall so report to the State Treasurer and shall at the same time make and file with the State Treasurer a correct statement of the amount of gasoline so used by such purchaser, and the State Treasurer shall then so pay to such purchaser the amount found by the Board of Equalization of the State of Montana to be due him.

Application.

Filing.

Investigation.

Refund.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act is hereby deemed and declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Emergency

Approved March 16, 1931.

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CHAPTER 176.

An Act to Amend Sections 273, 274 and 275 of the Revised Codes of Montana of 1921, Relating to Powers of the Board of Examiners Concerning Employment and Compensation of Assistants to Civil Executive State Officers, Boards, Commissions and Departments, and Repealing All Acts and Parts of Acts, Specifically Parts of Sections 1789 and 3783 of the Revised Codes of Montana of 1921, and Section 5 of Chapter 3, Session Laws of the 18th Legislative Assembly, 1923, in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 273 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Powers concerning employment assistants to civil executive officers.

Section 273. **Powers Concerning Employment Assistants to Civil Executive Officers.** From and after the passage of this Act the State Board of Examiners of the State of Montana shall by resolution fix and designate the number, compensation, term, and tenure of office of all assistants, clerks, and stenographers for all civil executive state officers, boards, commissions or departments. Said board shall likewise have the power to discontinue in any or all state offices or to discharge any of said assistants, clerks, or stenographers, for cause or otherwise, whenever in their judgment the best interests of the service requires such actions.

Section 2. That Section 274 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Compensation assistants civil executive officers.

Section 274. **Compensation Assistants Civil Executive Officers.** The compensation paid to the several assistants, clerks and stenographers for all civil executive officers, boards, commissions or departments shall not exceed the maximum sum specified in the annual appropriation bill passed by the Legislative Assembly for the year specified, and the sum so specified in the annual appropriation bill shall be in full compensation for all services rendered by such assistants, clerks and stenographers.

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Section 3. That Section 275 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 275. **Appointment Assistants Civil Executive Officers.** The civil executive state officers, boards, commissions or departments shall have the power to appoint their own assistants, clerks, and stenographers in the number and for the compensation fixed by the State Board of Examiners.

Appointment of assistants civil executive officers.

Section 4. All Acts and parts of Acts, specifically parts of Sections 1789 and 3783 of the Revised Codes of Montana of 1921, and Section 5 of Chapter 3, Session Laws of the Eighteenth Legislative Assembly, 1923, referring to employment of clerical help, in conflict herewith are hereby repealed.

Repealing clause.

Approved March 16, 1931.

CHAPTER 177.

An Act to Amend Section 5861 of the Revised Codes of Montana, 1921, Relating to the Adoption of Minors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5861 of the Revised Codes of the State of Montana, 1921, be, and the same is hereby amended to read as follows:

Section 5861. The person adopting a child and the child adopted, and the other persons whose consent is necessary, if within or resident of the county, must appear before the judge of the district court of the county where the person adopting resides, and the necessary consent must thereupon be signed and an agreement be executed by the person adopting to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated. If the persons whose consent is necessary are not within or are not residents of the county, then their written consent shall be filed in said District Court at the time of the application for adoption. In any case where the consent of a parent does not appear of record in the adoption proceedings heretofore or hereafter had, such adoption shall never-

Appearance before court.

Written consent of non-residents.

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theless be valid as against everyone excepting such parent; and shall be invalid as to him only in those cases where his consent is required under Section 5859.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

CHAPTER 178.

An Act to Provide for the Creation, Management, Operation and Maintenance of District Agricultural Fairs; Relating to County Levies and the Purpose and Manner for Which Same Shall be Used.

Be it enacted by the Legislative Assembly of the State of Montana:

Fair district.

Section 1. Two (2) or more counties within the State constituting a contiguous territory, may group themselves together and form a fair district. The board of county commissioners of any such county, upon application from the regularly appointed county fair board, may by resolution declare its intention to join in and form a fair district. Notice of such resolution shall be published in two (2) regular weekly issues of a newspaper in such county, setting forth the date on which a hearing shall be had on said resolution by the taxpayers of the county and objections heard, if any there are thereto. After the consideration of the objections, if any be made, the county commissioners may authorize the county fair board to join with any existing contiguous district and/or form a fair district with counties in contiguous territory.

Notice.

Directors.

Section 2. The members of the respective county fair boards of the counties forming a fair district shall ex-officio constitute a board of directors for said fair district; and after a district has been formed and a county or counties are added thereto the members of the county fair board or boards of the county or counties added to the fair district shall likewise be ex-officio members of the board of directors of said fair district.

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Supervision.

Section 3. The board of directors shall be charged with the care and custody of all property of the district fair. They shall designate a place within the fair district where the fair grounds shall be located and this place shall thereafter be the place of business of said district. They shall meet at this place of business during the month of December of each year and organize; electing a chairman, vice-chairman and secretary for the board. Such subsequent meetings shall be held as may be found necessary for the conduct of the district fair. They shall formulate in writing and file in the district office all plans adopted by them from time to time in connection with the conduct of the affairs of said district. They shall see that all records and accounts are properly kept, supervised and approved; that proper vouchers evidence all disbursements of money; that the records are at all reasonable hours open to the tax payers of the counties comprising the district.

Power and duties of secretary and directors.

Section 4. The board of directors shall have power to employ a secretary, whom they may vest with managerial powers; they shall also appoint a treasurer. The office of secretary may be combined in the same person with that of treasurer. They shall have power to acquire for the benefit of the district, such property, real and personal, as may be required in connection with the conduct of district fairs. They shall have power to do everything necessary in connection with the holding of the annual district fair, including the employment of labor, awarding of prizes, making of exhibition contracts, charging admission and entrance fees, and everything that is necessary in conducting the business of the district. They shall fix the salaries of all employees and prescribe the time and manner of payments. They shall be vested with the general powers granted commissioners of county fairs.

Revenue, how raised and computed.

Section 5. Aside from the revenue derived from annual fairs or other exhibitions conducted, the necessary revenue shall be raised as follows: The board of directors shall meet during the first week of May of each year, and shall make a budget of the amounts required in the conduct of the affairs of the district, for the following year and shall deduct therefrom the probable income from the annual district fair and other exhibitions to be held by said district during the following year, and shall

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then apportion the remaining balance among the various counties forming said district in proportion to the assessed property of each county as determined by the assessment rolls of the preceding year; save in the case of the county in which the fair is being conducted, in which county the levy may, by mutual agreement of the directors, be made larger than in other counties comprising the district, and the secretary shall certify to each board of county commissioners the amount of said budget and the amount of revenue to be raised by such county for such purposes, and shall file a certified copy thereof with the clerk of the board of county commissioners of each of the counties in said district on or before the first day of June of each year. The respective boards of county commissioners of the counties comprising said district, shall meet in joint assembly with their county fair commissioners during the first week of June of each year and shall jointly consider the budget proposed by the board of directors of the district, and shall give such approval or suggest such amendments or modifications as to them may seem proper and desirable.

When budget of fair secretary shall be taken.

If the county commissioners shall fail to hold such joint meeting, or shall fail to take any action, then the budget, certified by the secretary of the fair district shall be, without further action, deemed approved, and the sums of money apportioned to the county shall be the sums to be raised by special levy for said purpose. For the purpose of raising the aforesaid revenues, the board of county commissioners of each county in the district shall annually make a levy to raise the required sum apportioned to the respective counties; provided however, that the said levy shall not exceed one (1) mill on the dollar of the assessed valuation of all the taxable property in the county; except in the case of the county in which the fair is being conducted, in which county the levy shall not exceed one and one half (1½) mills on the dollar of taxable property in the county; in addition thereto any and all moneys available to the holding of county fairs may be allotted and transferred to the use of the district fair as the respective county fair commissioners may elect; the funds available to a district fair shall, on the first Monday in August or as soon thereafter as may be possible, be deposited with the County Treasurer of the county in which the district

Levy.

Transfers.

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fair is to be held and by him and credited to a fund to be known as the district fair fund, held and paid out in the same manner as the county fair fund, except that it shall be paid out on district fair board warrants signed by the chairman or the vice-chairman and the secretary of the district fair board; provided that the treasurer of the county in which the district fair shall be held shall carry the moneys received from the various counties in the district in the regular county fair fund in the same manner as regular county fair moneys, payable, however, only on district fair warrants.

District fair fund.

Proviso.

Section 6. The ownership of the real or personal property acquired by the fair district shall be vested in the joint ownership of the counties comprising the district, or in one (1) county for the benefit of the district, as may be provided for by the board of directors.

Ownership of property.

Section 7. A contiguous county or counties forming a territory contiguous to a fair district may be added to such fair district after its formation under the same provisions as set forth in section one of this Act; provided the board of directors of the fair district determine that it is to the best interest of said district that such county or counties be added.

Additions to district.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 9. This Act shall become in full force and effect from and after its passage and approval.

Approved March 16, 1931.

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CHAPTER 179.

An Act Amending Section 1 of Chapter 21 of the Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929; Relating to the Office of County Surveyor of All Counties Having a Total Registered Vote of Fifteen Thousand (15,000) or Over at the Preceding General Election; Defining the Powers and Duties of County Surveyor; and Providing for Salaries.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 21 of the Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, be, and the same is hereby amended to read as follows:

Powers and duties of county surveyors.

Section 1. The County Surveyor of all counties having a total registered vote of fifteen thousand (15,000) or over, at the last general election shall have exclusive control, supervision and direction of all highways, bridges and causeways within his county, and in the exercise of such control, supervision and direction he shall keep all highways and bridges free and clear of all obstructions; cause highways to be graded, when needed, and maintain and repair the same; cause all bridges and causeways to be made, when needed, and keep the same maintained and in good repair and renew the same when destroyed; make all surveys; establish grades; prepare plans, specifications and estimates; keep accurate cost data; approve all claims against the county for all highway, bridge and causeway construction, maintenance and repair prior to presentation to the Board of County Commissioners; employ deputies, men and teams, and discharge at his pleasure such deputies, men and teams, and determine how, when and where such deputies, men and teams shall work; purchase and secure all highway and bridge machinery and machinery equipment and tools to be used upon highways and bridges with the approval of the Board of County Commissioners; purchase and secure all highway, bridge and causeway supplies and materials with the approval of the Board of County Commissioners; from time to time make reports and estimates of all matters relating to highways and bridges when required by the Board of County Commissioners; perform such other duties as are now or which may be

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hereafter required by law, and shall receive an annual salary for performing the duties of said office in the amount of Three Thousand Six Hundred Dollars ($3,600.00) per annum to be paid out of the contingent fund of the county in which he holds office. Salary.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 16, 1931.

CHAPTER 180.

An Act to Provide for the Exchange of State Owned Lands for Other Lands of Like Value Owned by the United States or in Private Ownership; Said Exchanges Being Confined to Forest Lands Whether Timbered, Cut Over or Burned and Shore Lands and Releasing the Same from Restrictions of Disposal for Purposes of This Act; and Authorizing the State Board of Land Commissioners of the State of Montana to Effect Such Exchanges as Seem to Be in the Interest and for the Advantage of the State of Montana; Providing When This Act Shall Become Effective.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Board of Land Commissioners of the State of Montana is hereby authorized to accept on behalf of the State of Montana title in fee simple to any lands, timbered or from which the timber has been cut or burned, and in exchange therefor may convey not to exceed an equal value of similar land owned by the State of Montana; provided, however, that no such exchange shall be made except those which in the opinion of the State Board of Land Commissioners of the State of Montana will benefit the public interest. That for the purpose of such exchange, all lands now owned by the State, including those referred to in Section 1 of Chapter 179 of Laws enacted by the Nineteenth Legislative Assembly of the State of Montana and Section 66 of Chapter 60 of the Laws enacted by the Twentieth Legislative Assembly of the State of Montana, are subject to be offered for such exchange, and any restrictions against their

State Land Commissioner may exchange land.

Proviso.

For public interest only.

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sale or disposal are for the purpose of such exchange hereby released.

Section 2. Whenever a proposal for such exchange is made and the owners of the respective tracts involved seem agreeable to negotiate such exchanges, such proposal shall be referred to the State Forester of the State of Montana and he shall cause a thorough investigation to be made of all of the lands involved in such proposal and shall estimate the value of all of such lands and consider every factor in connection with such proposal as may effect the public interest.

Investigation by forester.

Section 3. That the State Forester, whenever any proposal of exchange hereunder has been referred to him, shall as soon as he may conclude an investigation thereof report to the State Board of Land Commissioners the facts disclosed by his investigation and shall include in his report a recommendation concerning such proposal including his reasons therefor in writing. If the State Board of Land Commissioners after considering such report and recommendation and making or causing to be made such further investigation as it may deem advisable is of the opinion that such exchange is in the public interest, said State Board of Land Commissioners shall thereupon consider the entire matter and shall make findings and conclusions concerning such proposal and thereupon shall make an order rejecting the said proposal and dismiss the same, or if in the judgment of said board said exchange is in the public interest and should be made, the order shall so recite and shall contain an accurate description of all lands to be exchanged.

Findings and conclusions of Commissioners.

Section 4. That if the State Board of Land Commissioners shall approve the proposal for exchange, the Commissioner of State Lands and Investments shall cause to be published at least once in some newspaper of general circulation in each county in which any of the lands involved are located, a notice reciting in general terms the proposal and describing the lands involved therein and ownership thereof which said notice shall fix a day not less than twenty (20) and not more than sixty (60) days from the date of the first publication thereof at which the State Board of Land Commissioners will hear objections to the proposed exchange and at which any person,

Publication.

Hearing.

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firm or corporation may appear in person or by representative and be heard thereon.

That within ten (10) days after the conclusion of said hearing said Board of Land Commissioners shall make a final order describing therein the terms of the proposal for the exchange of the land involved and shall thereupon either dismiss the proposal as not being in the public interest or shall direct the proper officers to proceed to consummate the said exchange.

Final order.

Section 5. The State Board of Land Commissioners of the State of Montana is hereby authorized and directed to adopt and promulgate such rules, regulations and methods of procedure affecting or touching the exchanges of lands herein provided for, as in their judgment may seem advisable to the end that the public interests may be conserved.

Rules.

Section 6. This Act shall take effect and become operative only if, as and when the Congress of the United States shall authorize the conveyance of lands granted to the State of Montana by the United States and all lands taken in exchange for lands heretofore granted by the United States to the State of Montana, shall be subject to the same restrictions, limitations and provisions as the lands granted by the United States are now subject to, and all lands granted by the State in carrying out such exchanges shall thereafter be free from the restrictions and limitations provided by the Enabling Act of the State of Montana or other grant from the United States.

Subject to Federal approval.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 16, 1931.

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CHAPTER 181.

An Act to Amend Section 4536 of the Revised Codes of Montana of 1921, Relating to the Burial of Deceased Soldiers, Sailors, Marines and Nurses; Providing for the Burial of Deceased Members of the Soldiers' Home; and Providing That the Expense of Burying Female Members of the Soldiers' Home Shall Not Exceed One Hundred Dollars ($100.00).

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4536 Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Burial of deceased soldiers, sailors and marines.

Section 4536. **Burial of Deceased Soldiers, Sailors, and Marines.** It shall be the duty of the Board of County Commissioners of each county in this State to designate some proper person in the county, preferably an honorably discharged soldier, sailor, or marine, whose duty it shall be to cause to be decently interred the body of any honorably discharged soldier, sailor, marine or nurse who shall have served in the army, navy, marine corps, or army nurse corps of the United States, or any inmate or member of the Montana Soldiers' Home, who may hereafter die; such burial shall not be made in any burial grounds or cemetery, or in any portion of such burial grounds or cemetery, used exclusively for the burial of pauper dead; provided, the expense of each burial shall not exceed the sum of One Hundred and Fifty Dollars ($150.00), unless such female be an honorably discharged nurse who shall have served in the army or navy of the United States, to be paid by the County Commissioners of the county in which the deceased resided at the time of his death; providing, the expense of each burial of a female inmate or member of the Montana Soldiers' Home, shall not exceed the sum of One Hundred Dollars ($100.00), to be paid by the County Commissioners of the county in which the deceased person resided prior to her admittance to the Montana Soldiers' Home.

Proviso.

Female member of Home.

In the event any honorably discharged soldier, sailor, marine or nurse, who shall have served in the army or navy of the United States, (or any inmate or member of the Montana Soldiers' Home) and who is a resident of the State of Montana, shall die while temporarily absent

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from the state or county of his residence, then the provisions of this Act shall apply, and the burial expenses not exceeding the amount herein specified shall be paid in the same manner as above provided in cases where death occurs in the county of deceased's residence, and the person appointed in the county of which said deceased was a resident as hereinbefore provided, may take charge of said burial in the same manner as he would, had such deceased person died within the county of his residence.

Applies also when person dies without the State or county.

Whenever any soldier, sailor, marine, nurse or inmate hereinbefore described shall die at the State Soldiers' Home, or at any public institution of the State of Montana, and burial for any cause shall not be made in the county of the former residence of the deceased, the officers of said State Soldiers' Home, or of any public institution of the State of Montana, as aforesaid, shall provide the proper burial herein prescribed, providing that the expense of each burial shall not exceed the sum herein provided for, which expense shall be paid by the county in which he or she resided at the time of his entry into such home or institution, but no such burial shall be covered by any special or standing contract whereby the cost of burial is reduced below the maximum hereinbefore fixed to the disparagement of decent and proper interment.

Expense to be paid by county where deceased resided.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

CHAPTER 182.

An Act Prohibiting Deceit in Weight, Grade, Measure or Test in Sale of Milk or Cream and Providing a Penalty for Violation of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No person, firm or corporation selling or delivering milk or cream, and no person, firm, or corpora-

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Prohibiting deceit in weight, grade, measure or test in sale of milk.

tion receiving or purchasing milk or cream by weight, grade or Babcock test, or either, or by measure, grade or Babcock test, or either, shall with intent to deceive or defraud as to the weight, grade, measure or Babcock test thereof; manipulate, change or alter such measure, Babcock test, grade or weight, or make or return to any person any false, inaccurate or untrue statement of such weight, grade, Babcock test or measure, or use any measure, grading or testing apparatus which does not comply with the standards of the Department of Agriculture or which has been condemned as inaccurate.

Penalty.

Section 2. Any person or officer or agent of a firm or corporation who violates any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Three Hundred Dollars ($300.00), or by imprisonment in the county jail for not more than two (2) months, or by both such fine and imprisonment. The Commissioner of Agriculture is also authorized and empowered to revoke any license issued by his department to any person or persons upon his or their conviction for violation of the provisions of this Act.

Repealing clause.

Section 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

CHAPTER 183.

An Act Providing for an Additional Tax Levy for the Support, Maintenance and Improvement of the University of Montana, Agricultural Experiment Station and Extension Service for the Years 1931 and 1932, Pursuant to the Provisions of Chapter 138 of the Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, Referred to and Approved by the People of the State of Montana, at the General Election Held in November, 1930, the Same Being Known as Referendum Measure Number Thirty-four.

Be it enacted by the Legislative Assembly of the State of Montana:

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Additional tax levy for State institutions for 1931.

Section 1. There is hereby levied upon all property in the State subject to taxation for the year 1931, two and one-half (2½) mills on each dollar of the taxable valuation of such property as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation for the support, maintenance and improvement of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte, the Montana State Normal College at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agricultural and Manual Training School at Fort Assiniboine, now comprised in the University of Montana, together with the Agricultural Experiment Station and its branches and substations, and the Agricultural Extension Service, the Soil Survey and the Grain Laboratory, pursuant to the provisions of Chapter 138 of the Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, referred to and approved by the people of the State of Montana at the general election held in November, 1930, same being known as Referendum Measure Number Thirty-four and entitled:

Approved November, 1930.

Provisions of Act.

An Act Providing for the Increase of the Rate of Taxation on Real and Personal Property for State Purposes of not to Exceed Two and One-half (2½) Mills on Each Dollar of Valuation, in Addition to the Levy Which is now or may be Hereafter Authorized by Section 9 of Article 12 of the Constitution of the State of Montana, for a Period of Ten (10) Years Beginning with the Year 1931, and to Authorize and Empower the Legislative Assembly to Levy a Tax for Each Year During Such Period of an Additional Levy of not to Exceed Two and One-half (2½) Mills on each Dollar of Valuation for the Support, Maintenance and Improvement of the Institutions now Comprised in the Greater University of Montana, Together with the Agricultural Experiment Station and Its Branches and Substations, and the Agricultural Extension Service, Including the Soil Survey and the Grain Laboratory and to Appropriate so much of the Money Derived therefrom for each Year During Said Period as may be Necessary for said Purposes; and Providing for the Submission of this Act to the Qualified Electors of the State of Montana at the next General Election; Describing the Form of Ballots to be Used and the Duties

Period of 10 years beginning with 1931.

Submission to qualified electors.

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of the Secretary of the State of Montana Relative to the Submission of Said Act to the Qualified Electors of said State.

Levy for 1932.

Section 2. There is hereby levied upon all property in the State subject to taxation for the year 1932, two and one-half (2½) mills on each dollar of the taxable valuation of such property as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation for the support, maintenance and improvement of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte, the Montana State Normal College at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agricultural and Manual Training School at Fort Assiniboine, now comprised in the University of Montana, together with the Agricultural Experiment Station and its branches and substations, and the Agricultural Extension Service, the Soil Survey and the Grain Laboratory, pursuant to the provisions of Chapter 138 of the Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, referred to and approved by the people of the State of Montana at the general election held in November, 1930, the same being known as Referendum Measure Number Thirty-four and entitled:

Approved in November, 1930.

Additional increase of rate of taxation.

An Act Providing for the Increase of the Rate of Taxation on Real and Personal Property for State Purposes of not to Exceed Two and One-half (2½) Mills on Each Dollar of Valuation, in Addition to the Levy which is now or may be hereafter Authorized by Section 9 of Article 12 of the Constitution of the State of Montana, for a period of Ten (10) Years Beginning with the Year 1931, and to Authorize and Empower the Legislative Assembly to Levy a Tax for Each Year During Such Period of an Additional Levy of not to Exceed Two and One-half (2½) Mills on each Dollar of Valuation for the Support, Maintenance and Improvement of the Institutions now Comprised in the Greater University of Montana, Together with the Agricultural Experiment Station and Its Branches and Substations, and the Agricultural Extension Service, Including the Soil Survey and the Grain Laboratory and to Appropriate so much of the Money Derived therefrom for each Year During Said Period as

Authority to levy.

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may be necessary for said Purposes, and Providing for the Submission of this Act to the Qualified Electors of the State of Montana at the next General Election, Describing the Form of Ballots to be Used and the Duties of the Secretary of the State of Montana Relative to the Submission of Said Act to the Qualified Electors of said State.

Section 3. If any part of this Act should be declared invalid or unconstitutional, it shall not affect the validity of any other part of this Act. Saving clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

CHAPTER 184.

An Act Providing for the Supervision, Regulation and Control of the Use of the Public Highways of the State of Montana by Motor Carriers Engaged in the Transportation by Motor Vehicles of Persons and Property for Hire Upon the Public Highways of the State of Montana; Conferring Certain Jurisdiction Over Such Transportation, Motor Vehicles and Their Operations, Upon the Board of Railroad Commissioners; Providing for the Enforcement of this Act and the Punishment for Violation Thereof; and Repealing Chapter 154, Laws Eighteenth Legislative Assembly, 1923, as Amended by Chapter 103, Laws Nineteenth Legislative Assembly, 1925, and as Amended by Chapter 141, Laws Twenty-first Legislative Assembly, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Unless the language or context clearly indicates that different meanings are intended, the following words, terms and phrases shall, for the purposes of this Act, be given the meanings hereinafter subjoined to them.

(a) The word "board" means the Board of Railroad Commissioners of the State of Montana. Definitions of terms.

(b) The term "corporation" means a corporation, company, association or joint stock association.

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(c) The term "person" means an individual, firm or copartnership.

(d) The word "certificate" means the certificate of public convenience and necessity authorized to be issued under the provisions of this Act.

(e) The term "public highway" means every public street, road, highway, or way in this State.

(f) The term "motor vehicle" shall include all vehicles or machines propelled by any power other than muscular used upon the public highways for the transportation of persons and/or property.

"Between fixed termini or over a regular route".

(g) The words "between fixed termini or over a regular route" when used in this Act, mean the termini or route between or over which any motor carrier usually or ordinarily operates any motor vehicles, even though there may be periodical or irregular departures from said termini or route. Whether or not a motor vehicle is operated by a motor carrier between fixed termini, or over a regular route, or otherwise, within the meaning of this Act, shall be a question of fact to be determined by the board.

"Motor carrier".

(h) The term "motor carrier", when used in this Act, means every person or corporation, their lessees, trustees, or receivers appointed by any court whatsoever, operating motor vehicles upon any public highway in the State of Montana for the transportation of persons and/or property for hire, on a commercial basis either as a common carrier or under private contract, agreement, charter, or undertaking; provided that nothing in this Act shall be construed as affecting the operation of school busses which are used in conveying school children to and from district or other schools, or to the transportation of freight or passengers by motor vehicles when done occasionally and not as a regular business, or to the transportation by means of motor vehicles in the regular course of business of employees, supplies, and materials by any person, firm or corporation engaged exclusively in the construction or maintenance of highways, or engaged exclusively in logging or mining operations, insofar as the use of employees, supplies and materials in construction and production is concerned.

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(i) The words "for hire" mean for remuneration of any kind, paid or promised, either directly or indirectly. An occasional accommodative transportation service by a person not in the transportation business shall not be construed as a service for hire, even though the persons transported shares in the cost or pays for the service. "For hire".

(j) The word "compensation", as used in this Act, shall mean the charge imposed upon motor carriers in consideration of the use of the highways in this State by such motor carriers, as provided in Section 16 of this Act. "Compensation".

(k) The word "railroad" means the movement of cars on rails, regardless of the motive power used therefor. "Railroad".

Section 2. (a) Motor carriers are hereby divided into three (3) classes for the purposes of this Act, to be known as: Three classes of motor carriers.

Class A Motor Carriers,

Class B Motor Carriers,

Class C Motor Carriers.

Class A motor carriers shall embrace all motor carriers operating between fixed termini or over a regular route, under regular rates or charges, based upon either station to station rates or upon a mileage rate or scale. Class A.

Class B motor carriers shall embrace all motor carriers operating under regular rates or charges based upon either station to station rates or upon a mileage rate or scale, and not between fixed termini or over a regular route. Class B.

Class C motor carriers shall embrace all motor carriers operating motor vehicles for distributing, delivering or collecting wares, merchandise, or commodities, or transporting persons, where the remuneration is fixed in and the transportation service furnished under a contract, charter, agreement, or undertaking. Class C.

(b) It shall be unlawful for any corporation or person, its or their officers, agents, employees, or servants, to operate any motor vehicle for the transportation of persons and/or property for hire on any public highway in this State except in accordance with the provisions of this Act. Application.

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Powers and duties of Board of Railroad Commissioners.

Section 3. The Board of Railroad Commissioners is hereby vested with power and authority, and it is hereby made its duty to supervise and regulate every motor carrier in this State; to fix specific, just, reasonable, equal and non-discriminatory rates, fares, charges and classifications for Class A and Class B motor carriers; to regulate the properties, facilities, operations, accounts, service, practices, affairs and safety of operations of all motor carriers; to require the filing of annual and other reports, tariffs, schedules, or other data by such motor carriers and to supervise and regulate motor carriers in all matters affecting the relationship between such motor carriers and the traveling and shipping public. The board shall have power and authority by general order or otherwise to prescribe rules and regulations in conformity with this Act applicable to any and all motor carriers. All rules and regulations in relation to schedules, service, tariffs, rates, facilities, accounts and reports shall have due regard for the differences existing between Class A, Class B, and Class C motor carriers as herein defined, and shall be just, fair and reasonable to the said classes of motor carriers in their relations to each other and to the public. In fixing the tariff or rates to be charged by Class A and Class B motor carriers for the carrying of persons and/or property, the board shall take into consideration the kind and character of service to be performed, the public necessity therefor, and the effect of such tariff and rates upon other transportation agencies, if any, and as far as possible avoid detrimental or unreasonable competition with existing railroad service or service furnished by a motor carrier.

Reasonable fares.

Section 4. All fares, rates and charges made for any service rendered or to be rendered in the transportation of persons or property by any Class A or Class B motor carriers, or in connection therewith, shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited and declared unlawful. The Board of Railroad Commissioners is authorized to make

Schedule of fares.

for each Class A and Class B motor carrier doing business in this State, a schedule of specific reasonable fares, rates and charges for the transportation of persons and property in this State, and authority to make schedules shall include the power of classification of all freight. The board shall have authority to fix different rates or sched-

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ules of rates for different motor carriers, of the same or different classes, and for different routes and different parts of the same route of any motor carrier. The board shall from time to time and as often as circumstances may require, change and revise such schedule. Every Class A and Class B motor carrier shall file with the board its schedule or tariffs showing all effective rates, fares, charges, and classifications for the transportation of persons and property in this State, or for any service in connection therewith; and no time schedule, tariff, rate or classification shall be changed or altered without the written consent of the board.

Order for discontinuance.

Section 5. No Class A or Class B motor carrier shall abandon or discontinue any service established under this Act without an order of the board therefor.

No different remuneration.

Section 6. No Class A or Class B motor carrier shall charge or demand or collect or receive a greater or less or different remuneration for the transportation of passengers or property, or for any service in connection therewith, than the rates, fares, and charges which have been legally established and filed with the board; nor shall any such motor carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges required to be collected by the tariffs on file with the board; nor make or give any preference or advantage to any particular person, company, partnership, corporation, or locality, or any particular description of traffic, in any respect whatever, nor subject any particular person, company, partnership, corporation, or locality, or any particular description of traffic, to any prejudice or disadvantage in any respect.

Hearings.

Section 7. The board may at any time, by its order duly entered, after a hearing had upon reasonable notice to the holder of any certificate or privilege hereunder and an opportunity to such holder to be heard, at which it shall appear that such holder violated, violates, or refuses to observe any of the board's orders, rules, or regulations, or any provision of this Act, suspend, revoke, alter, or amend any certificate or privilege issued under the provisions of this Act; but the holder of any such certificate or privilege shall have all the rights of rehearing and review, as to such order of the board, as is provided in this Act.

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Class A.

Section 8. (a) No Class A motor carrier, as in this Act defined, shall hereafter operate for the transportation of persons and/or property for hire on any public highway in this State without first having obtained from the board, under the provisions of this Act, a certificate declaring that public convenience and necessity require such operation.

Certificate required.

Application for certificate.

(b) A motor carrier making application for such certificate shall do so in writing, separately for each route, which petition shall be verified by the applicant and shall specify the following matters:

1. The name and address of the applicant and the names and addresses of its officers, if any.

2. The public highway or highways over which, and the fixed termini between which, or the regular route or routes over which it intends to operate.

Contents of application or petition.

3. The kind of transportation, whether passenger or freight, or both, together with a full and complete description of the character of the vehicle or vehicles to be used, including the seating capacity of any vehicle to be used for passenger traffic and the tonnage capacity of any vehicle to be used in freight traffic.

4. The proposed time schedule.

5. A schedule of the tariff or rates desired to be charged for the transportation of freight and/or passengers.

6. A complete and detailed description of the property proposed to be devoted to the public service.

7. A detailed statement showing the assets and liabilities of such applicant.

8. And such other or additional information as the board may by order require.

Filing fee.

(c) Such application shall be accompanied by a filing fee of Fifteen Dollars ($15.00).

Class B.

Section 9. (a) No Class B motor carrier, as in this Act defined, shall hereafter operate for the transportation of persons and/or property for hire on any public highway, in this State, without first having obtained from the board, under the provisions of this Act, a cer-

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tificate that public convenience and necessity require such operations. Certificate required.

(b) A motor carrier making application for such permit shall do so in writing, separately for each locality for which consideration is desired, which petition shall be verified and shall specify the following matters: Application.

1. Name and address of the applicant and the names and addresses of its officers, if any.

2. The kind of transportation, whether passenger or freight, or both, together with a full and complete description of the character of the vehicle or vehicles to be used, including the seating capacity of any vehicle to be used for passenger traffic and the tonnage capacity of any vehicle to be used in freight traffic. Contents of application or petition.

3. The locality and character of operations to be conducted.

4. A schedule of the tariff of rates desired to be charged for the transportation of freight and/or passengers.

5. A complete and detailed description of the property proposed to be devoted to the public service.

6. A detailed statement showing the assets and liabilities of such applicant.

7. And such other or additional information as the board may by order require.

(c) Such application shall be accompanied by a filing fee of Fifteen Dollars ($15.00). Filing fee.

Section 10. (a) No Class C motor carrier as in this Act defined, shall hereafter operate for the distribution, delivery, or collection of goods, wares, merchandise, or commodities, or for the transportation of persons on any public highway in this State, without first having obtained from the board, under the provisions of this Act, a certificate that public convenience and necessity require such operation. Class C. Certificate required.

(b) A motor carrier making application for such permit shall do so in writing, separately for each route or locality for which consideration is desired, which petition shall be verified by the applicant and shall specify the following matters: Application for certificate.

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1. The name and address of the applicant and the names and addresses of its officers, if any.

Contents of application or petition.

2. The public highways or highways over which and the fixed termini between which, or the route or routes over which it intends to operate, if the same are fixed; or the particular city, town, station, or locality from and/or to which the applicant intends to operate.

3. The kind of transportation, the character of the goods, wares, merchandise, or commodities to be distributed, delivered or collected, together with a full and complete description of the character of the vehicle or vehicles, including the rated tonnage capacity of such vehicles, to be used in such service of distribution, delivery or collection.

4. And such other or additional information as the board may by order require.

Filing fee.

(c) Such application shall be accompanied by a filing fee of Fifteen Dollars ($15.00).

Section 11. Upon the filing of such application by a Class A or Class B or Class C motor carrier, the board shall fix a time and place for hearing thereon, which shall not be less than ten (10) days after such filing. The board shall cause a copy of such petition and notice of hearing thereon to be served upon an officer or owner of any motor carrier that in the opinion of the board might be affected by the granting of any such certificate and upon any railroad company operating into or through any town or city located on the proposed route of the applicant, and upon the State Highway Commission, at least ten (10) days before the date of hearing, and any such motor carrier or railroad company, and the State Highway Commission, and the governing board or boards of any such county, town or city into or through which such route or service as proposed may extend, and any person or corporation concerned are hereby declared to be interested parties to such proceedings, and may offer testimony for or against the granting of such certificate. If after hearing upon application for a certificate, the board shall find, from the evidence, that public convenience and necessity require the authorization of the service proposed, or any part thereof as the board shall determine, a certificate therefor shall be issued. In deter-

Hearing.

Notice.

Consideration of applications.

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mining whether or not a certificate should be issued, the board shall give reasonable consideration to the transportation service being furnished or that will be furnished by any railroad, or other existing transportation agency, and shall give due consideration to the likelihood of the proposed service being permanent and continuous throughout twelve (12) months of the year and the effect which such proposed transportation service may have upon other forms of transportation service which are essential and indispensable to the communities to be affected by such proposed transportation service or that might be affected thereby. Provided, however, that an application by a Class A or a Class B or a Class C motor carrier for a certificate may be disallowed without a public hearing thereon when it appears from the records of the board that the route or territory sought to be served by the applicant has previously been made the basis of a public investigation and finding by the board that public convenience and necessity do not require such proposed motor carrier service unless it is made to affirmatively appear in the application by a recital of the facts that conditions obtaining over said route or in said territory and affecting transportation facilities therein have materially changed since said public investigation and finding and that public convenience and necessity do now require such motor carrier operation.

Proviso

Provided further that any investigation, inquiry or hearing which the board has power to undertake or to hold, under the provisions of this Act, may be undertaken or held by or before any member of the board, or by and before any agent or examiner of the board designated for the purpose by the board, and every finding, order, or decision made by a member of the board, or agent or examiner of the board so designated, pursuant to such investigation, inquiry or hearing, when approved and confirmed by the board and ordered filed in its office, shall be, and be deemed to be the finding, order or decision of the board; provided also, that any agent or examiner of the board designated as aforesaid, shall have power to administer oaths, examine witnesses and receive evidence.

Investigation.

Section 12. Any right, privilege or certificate held, owned, or obtained by any motor carrier may be sold, assigned, leased, transferred and inherited as other prop-

Assignment.

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erty only by the authorization of the board. The board may issue the certificate, as prayed for, or issue it for the partial exercise only of the privilege sought; and may attach to the exercise of the rights granted by such certificate such terms and conditions as in its judgment the public convenience and necessity may require. When a certificate has once been issued to a motor carrier, as in this Act provided, such certificate shall continue in force until terminated by the board for cause, as herein provided, or until terminated by the owner's failure to comply with Section 13 of this Act.

Partial privilege.

Termination.

Section 13. No certificate shall be issued or remain in force unless the holder thereof shall comply with such rules and regulations of the board as it shall adopt governing the filing of bonds, policies of insurance, or such security or agreement in such form and adequate amount and conditioned as the board may require for: (a) the prompt payment of all compensation or fees due the State under the provisions of this Act, and (b) the payment of any final judgment which may be rendered against any such motor carrier arising out of the death of or injury to any passenger or injury to other persons or property as a result of any negligent operation of the motor vehicles or such motor carrier, with power in the board to permit self-insurance whenever, in its opinion, the financial ability of the motor carrier warrants.

Compliance with rules and regulations.

Section 14. Insofar as possible and applicable, the provisions of statutes prescribing the procedure before the board in cases involving rates, facilities, service or other affairs of railroads in this State, including forms of applications, complaints, answers, orders, and notices of hearing, the conducting of hearings, compelling the attendance and testimony of witnesses and the production of records, data and information, the preparation, recording and serving of reports and orders of the board, shall be followed and shall govern in all proceedings and investigations before the board in cases arising in connection with the performance by the board of its duties or the exercise of its jurisdiction under the provisions of this Act. Orders and final determinations of the board in all proceedings pursuant to the provisions of this Act shall be enforced in the manner provided for the enforcement of orders of the Board of Railroad Commissioners

Procedure followed.

Enforcement of orders.

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by the provisions of Chapter 257, Part III, Political Code of Revised Codes of Montana of 1921, and laws amendatory thereof. Provided, further, that if any motor carrier shall operate in violation of the provisions of this Act, or shall fail or neglect to obey any lawful order of the board, the board or any party injured may apply to any court of competent jurisdiction, in any county where such motor carrier is engaged in business, for the enforcement of this Act or such order; and the court shall enforce obedience thereto by writ of injunction, or other proper process, mandatory, or otherwise, and to restrain such carrier, its officers, agents, employees, or representatives from further violation of this Act, or such order, or to enjoin upon it, or them, obedience to the same.

Proviso.

Section 15. The provisions of Chapter 258, Part III, Political Code of the Revised Codes of Montana of 1921, and Laws amendatory thereof, shall be applicable and shall govern in all proper cases for the review by the District or Supreme Court of orders and final determinations of the board in proceedings involving the rates, services, facilities, or other affairs of motor carriers in this State.

Provisions applicable.

Section 16. (a) In addition to all of the licenses, fees or taxes imposed upon motor vehicles in this State, and in consideration of the use of the public highways of this State, every motor carrier, as defined in this Act, shall, at the time of the issuance of a certificate and annually thereafter, on or between the first day of July and the fifteenth day of July, of each calendar year, pay to the Board of Railroad Commissioners of the State of Montana the sum of Ten Dollars ($10.00), for every motor vehicle operated by the carrier over or upon the public highways of this State.

Fee for each vehicle.

Provided, that a motor carrier engaged in seasonal operations only, where its said operations do not extend continuously over a period of not to exceed six (6) months in any calendar year, shall only be required to pay compensation and fees in a sum equal to one-half (½) of the compensation and fees herein provided, and, provided further, that the compensation and fees herein imposed shall not apply to motor vehicles maintained and used by a motor carrier as standby or emergency equipment. The board shall have the power and it is hereby

Seasonal operations.

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made its duty to determine what motor vehicles shall be classed as standby or emergency equipment.

Operations in two States.

(b) When transportation service is rendered partly in this State and partly in an adjoining state or foreign country, motor carriers shall comply with the provisions of this Act relating to the payment of compensation and to the making of annual or special reports or statements herein required, and shall show the total business performed within the limits of this State and such other information concerning its operation within this State as may be required by the board as fully and completely and in the same manner as herein required of motor carriers operating wholly within this State.

May revoke certificate.

(c) Upon the failure of any motor carrier to pay such compensation, when due, the board may in its discretion revoke the carrier's certificate or privilege and no carrier whose certificate or privilege is so revoked shall again be authorized to conduct such business until such compensation shall be paid.

Charges are liens on property.

(d) All compensation, fees, or charges, imposed and accruing under the provisions of this Act, shall be a lien upon all property of the motor carrier used in its operations under this Act; said lien shall attach at the time the compensation, fees, or charges become due and payable, and shall have the effect of an execution duly levied on such property of the motor carrier and shall so remain until said compensation, fees, or charges are paid or the property sold for the payment thereof.

Motor carrier fund.

Section 17. All of the fees and compensation charges collected by the board under the provisions of this Act shall be transmitted to the State Treasurer who shall place the same to the credit of a special fund designated as "Motor Carrier Fund"; such fund shall be available for the purpose of defraying the expenses of administration of this Act and the regulation of the businesses herein described, and shall be accumulative from year to year. All expenses of whatsoever kind or nature of the board incurred in carrying out the provisions of this Act shall be audited by the State Board of Examiners and paid out of the "Motor Carrier Fund". Such fund shall not come within the restriction of any law of this State governing payment of expense incurred in a pre-

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vious year, it being intended that such fund shall be applied to the payment of any necessary costs or expenses in carrying out the provisions of this Act, whether incurred during the ensuing year or previous fiscal years, and such "Motor Carrier Fund" or accumulations thereof, are hereby appropriated for the payment of the costs and expenses rendered necessary in the carrying out of the provisions of this Act; provided further, that all moneys now in hand in the State Treasury in Motor Transportation Account No. 368 of the General Fund, heretofore collected under the provisions of Section 8 of Chapter 154, Laws of 1923, paid into the General Fund as therein provided and appropriated for the purposes of carrying out the provisions of said Act, are hereby transferred into the "Motor Carrier Fund" aforesaid and are hereby appropriated for the purposes of carrying out the provisions and purposes of this Act.

Examination of records.

System of accounts.

Section 18. All records, books, accounts and files of every Class A and Class B motor carrier in this State, so far as the same shall relate to the business of transportation conducted by such motor carrier, shall at all times be subject to examination by the board or by any authorized agent or employee of the board. The board shall prescribe a uniform system of accounts and uniform reports covering the operations of such Class A and Class B motor carriers and every motor carrier authorized to operate as such in accordance with the provisions of this Act shall keep its records, books, and accounts according to such uniform system, insofar as possible. On or before the fifteenth day of July of each year, every motor carrier authorized to engage in such business shall file with the board a report, under oath. In addition to such annual reports every motor carrier shall prepare and file with the board, at the time or times and in the form to be prescribed by the board, annual reports, special reports and statements giving to the board such information as it shall require in order to perform its duties under this Act.

Penalties for violations.

Section 19. Any motor carrier, subject to the provisions of this Act, or, whenever any such motor carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or persons acting for or employed by such corporation, who violates or fails to comply with or who procures, aids, or abets in the viola-

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tion of any provision of this Act, or who fails to obey, observe, or comply with any lawful order, decision, rule or regulation, direction, demand, or requirement of the board, or any part of provisions thereof, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100.00), or by imprisonment in the county jail for a period of not more than thirty (30) days, or by both such fine and imprisonment.

Application to going concerns.

Section 20. All motor carriers legally licensed by the Board of Railroad Commissioners under the provisions of Chapter 154, Laws Eighteenth Legislative Assembly, 1923, as amended by Chapter 103, Laws Nineteenth Legislative Assembly, 1925, and Chapter 141, Laws Twenty-first Legislative Assembly, 1929, and engaged in business at the time of the effective date of this Act, shall be entitled to receive from the board, without further application, a certificate as provided in this Act authorizing the continuance of their businesses.

Prima facie acts.

Section 21. Any person, firm or corporation maintaining a public motor vehicle stand, or by sign, symbol, or device or vehicle or clothing, or by advertisement holds forth transportation for compensation, or solicits the transportation of persons or property for compensation among the public at trains, hotels, or other places, or solicits for trips for compensation, shall be deemed, prima facie, a "Motor Carrier" subject to this Act, and the burden of proof shall be on such person, firm or corporation to disprove said status.

Private carriers.

Section 22. Nothing in this Act shall be construed as converting or attempting to convert a private carrier into a common carrier, and it is hereby declared that this Act is intended primarily as a regulation of the public highways of the State of Montana.

Interstate commerce.

Section 23. The terms and provisions of this Act shall apply to commerce with foreign nations, and to commerce among the several states of this Union, insofar as such application may be permitted under the provisions of the Constitution of the United States, treaties made thereunder and the Acts of Congress; provided that it shall not be necessary for an interstate or international motor carrier, in order to obtain a permit as herein provided,

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to make any showing of public convenience and necessity, except as to the transportation of passengers and/or freight between points within this State, the power to regulate such operation being specifically reserved herein; and provided further, the board is hereby authorized to exercise any additional power that may from time to time be conferred upon the State by any Act of Congress, and provided further, that any motor carrier operating in and about any National Park, whose rates and methods of accounting are controlled by contract with the United States, shall not be subject to any regulation by the commission in conflict with such contract or in conflict with any regulation by the United States made pursuant to such contract or made pursuant to an Act of Congress of the United States.

Saving clause.

Section 24. If any section, subsection, sentence, clause, or phrase of this Act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislative Assembly declares that it would have passed this Act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Repealing clause.

Section 25. This Act shall not repeal any of the existing law or laws relating to motor-propelled vehicles and owners and operators, or requiring compliance with any condition for their operations except Chapter 154, Laws Eighteenth Legislative Assembly, 1923, Chapter 103, Laws Nineteenth Legislative Assembly, 1925, and Chapter 141, Laws Twenty-first Legislative Assembly, 1929.

Repealing clause.

Section 26. Chapter 154, Laws Eighteenth Legislative Assembly, 1923; Chapter 103, Laws Nineteenth Legislative Assembly, 1925, and Chapter 141, Laws Twenty-first Legislative Assembly, 1929, are hereby repealed.

Approved March 16, 1931.

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CHAPTER 185.

An Act to Provide for the Support of the Government of Montana for the Years 1931 and 1932.

Be it enacted by the Legislative Assembly of the State of Montana:

Levy for 1931 State operation.

Section 1. There is hereby levied for the year 1931, for State purposes upon all of the property in the State of Montana subject to taxation, an ad valorem tax of two (2) mills on each dollar of the taxable valuation of such property, as ascertained by taking the percentage of the true and full value provided by law for the purpose of taxation.

Levy for sinking fund to cover State bond issue.

Section 2. There is hereby levied upon all property in the State of Montana subject to taxation for the year 1931, ten-twelfths (10/12) of a mill on each dollar of taxable valuation of such property, as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation, for the purpose of paying the interest on and to constitute a sinking fund for the redemption of bonds issued by the State of Montana, pursuant to the provisions of a law initiated and approved by the people of the State of Montana, at the General Election held in November, 1920, and entitled: "A Bill to enact by the Initiative a law to authorize the State of Montana to become indebted in the sum of Five Million Dollars ($5,000,000.00), in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness and heretofore incurred or created and for which the State of Montana is now obligated, for the construction, repair and equipment of necessary buildings at the several educational institutions of the State of Montana now under the control of the State Board of Education, and consisting of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte and the Montana State Normal College at Dillon comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana School for the Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, and the State Vocational School for Girls at Helena; providing for the issuance of bonds in the name of the State of Montana as evidence of such indebtedness and

Act covered.

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for the sale thereof; prescribing the form of such bonds; and providing for the levying of an annual tax sufficient to pay the principal thereof and the interest accruing thereon". (Section 5606 to 5614, both inclusive, of the Revised Codes of Montana, 1921.)

Levy to cover State bond issue.

Section 3. There is hereby levied upon all property in the State of Montana subject to taxation for the year 1931, five-twelfths (5/12) of one (1) mill for the purpose of paying the interest upon bonds issued by the State of Montana pursuant to the provisions of a law initiated and approved by the people of the State of Montana at the General Election held in November, 1930, and entitled: "An Act to Authorize the State of Montana to become Indebted in the Sum of Three Million Dollars ($3,000,000.00), in Excess of the Constitutional Limitation of Indebtedness Heretofore Incurred or Created and for which the State of Montana is now Obligated, for the Construction, Repair, and Equipment of Necessary Buildings, Other Permanent Improvements and the Acquisition of Necessary Grounds Therefor, at the Several Institutions of the State of Montana, Consisting of the State University at Missoula, State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines, at Butte, the Montana State Normal College at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agricultural and Manual Training School at Fort Assiniboine, Now Comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, Montana School for Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, the State Vocational School for Girls at Helena, the State Insane Asylum at Warm Springs, the Montana State Soldiers' Home at Columbia Falls, and the State Prison at Deer Lodge; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such indebtedness and for the Sale Thereof Prescribing the Form of Such Bonds and Providing for the Levy of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon". (Session Laws of the Twenty-first Legislative Assembly, Chapter 126.)

Act covered.

Levy for 1932 State operation.

Section 4. There is hereby levied for the year 1932 for State purposes upon all of the property in the State of Montana subject to taxation an ad valorem tax of

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two (2) mills on each dollar of the taxable valuation of such property as ascertained by taking the percentage of the true and full value provided by law for the purpose of taxation.

Levy to cover State bond issue.

Section 5. There is hereby levied upon all property in the State of Montana subject to taxation for the year 1932 ten-twelfths (10/12) of a mill on each dollar of taxable valuation of such property, as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation, for the purpose of paying the interest on and to constitute a sinking fund for the redemption of bonds issued by the State of Montana, pursuant to the provisions of a law initiated and approved by the people of the State of Montana, at the General Election held in November, 1920, and entitled: "A Bill to enact by the Initiative a law to authorize the State of Montana to become indebted in the sum of Five Million Dollars ($5,000,000.00) in excess of the Constitutional Limitation of indebtedness and over and above any bonded indebtedness and heretofore incurred or created and for which the State of Montana is now obligated, for the construction, repair, and equipment of necessary buildings at the several educational institutions of the State of Montana now under the control of the State Board of Education, and consisting of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte and the Montana State Normal College at Dillon comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana School for the Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, and the State Vocational School for Girls at Helena, providing for the issuance of bonds in the name of the State of Montana as evidence of such indebtedness and for the sale thereof; prescribing the form of such bonds; and providing for the levying of an annual tax sufficient to pay the principal thereof and the interest accruing thereon". (Section 5606 to 5614, both inclusive, of the Revised Codes of Montana, 1921.)

Act covered.

Levy for 1932 to cover State bond issue.

Section 6. There is hereby levied upon all property in the State of Montana subject to taxation for the year 1932, five-twelfths (5/12) of one (1) mill for the purpose of paying the interest upon bonds issued by the State of

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Montana pursuant to the provisions of a law initiated and approved by the people of the State of Montana at the General Election held in November, 1930, and entitled: "An Act to Authorize the State of Montana to become Indebted in the Sum of Three Million Dollars ($3,000,000.00) in Excess of the Constitutional Limitation of Indebtedness Heretofore Incurred or Created and for Which the State of Montana is now obligated, for the Construction, Repair, and Equipment of Necessary Buildings, other Permanent Improvements and the Acquisition of Necessary Grounds Therefor, at the Several Institutions of the State of Montana, Consisting of the State University at Missoula, State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines, at Butte, the Montana State Normal College at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agricultural and Manual Training School at Fort Assiniboine, Now Comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, Montana School for Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, the State Vocational School for Girls at Helena, the State Insane Asylum at Warm Springs, the Montana State Soldiers' Home at Columbia Falls, and the State Prison at Deer Lodge; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness and for the Sale Thereof Prescribing the Form of such Bonds and Providing for the Levy of an annual tax sufficient to pay the principal thereof and the interest accruing thereon". (Session Laws of the Twenty-first Legislative Assembly, Chapter 126.)

Act covered.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

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CHAPTER 186.

An Act Appropriating Money Derived From the Sale of State Institution Bonds of the State of Montana Under the Provision of Referendum Measure 33, Which was Submitted to the Vote of the Electors of the State of Montana at the Last General Election, and Which Provides that Such Funds Should be Used for the Construction, Repair and Improvement of Necessary Buildings, Other Improvements and the Acquisition of Necessary Grounds at Certain State Institutions and for the Issue and Sale of Such Bonds and at Such Times as by the State Board of Examiners are Deemed to be Necessary for the Erection, Repair and Equipment of Necessary Buildings, Other Permanent Improvements and the Acquisition of Necessary Grounds at Certain State Institutions. The Funds Derived From the Sale of Such Bonds Are to be Expended Only for the Purpose Herein Set Forth and for Such Item Only and so Much as is Necessary, Not Exceeding the Amount Allocated.

Be it enacted by the Legislative Assembly of the State of Montana:

Referendum measure No. 33.

Section 1. Referendum Measure No. 33 empowering the State of Montana to become indebted in the sum of Three Million Dollars ($3,000,000.00), in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, for the construction, repair and equipment of necessary buildings, other permanent improvements and the acquisition of necessary grounds therefor, at the several institutions of the State of Montana, consisting of the State University at Missoula, State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte, the Montana State Normal College at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agriculture and Manual Training School at Fort Assiniboine, now comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, Montana School for Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, the State Vocational School for Girls at Helena, the State Insane Asylum at Warm Springs, the Montana State Tuberculosis Sanitarium at Galen, the State Sol-

Purpose of measure.

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diers' Home at Columbia Falls, and the State Prison at Deer Lodge; providing for the issuance of bonds in the name of the State of Montana as evidence of such indebtedness and for the sale thereof, prescribing the form of such bonds and providing for the levy of an annual tax sufficient to pay the principal thereof and the interest accruing thereon, having been approved at the general election held November 4, 1930, there is hereby appropriated as follows:

Board of Examiners authorized to sell bonds.

Section 2. The State Board of Examiners of the State of Montana is hereby authorized to issue and sell State Institution Bonds of the State of Montana for the purpose hereinafter set forth in the aggregate amount of Two Million Ninety-six Thousand Five Hundred Dollars ($2,096,500.00); such bonds to be issued and sold in such amounts and at such times as are deemed by the Board of Examiners to be necessary for the erection, repair and equipment of necessary buildings, other permanent improvements and the acquisition of necessary grounds at the institutions designated in the foregoing section. The funds derived from the issue and sale of such bonds to be expended only for the purpose herein set forth; and, for each item, only so much as is necessary, not exceeding the amount allocated to such item.

Allocation.

Section 3. (Allocation)

Bozeman Agricultural College.

STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS AT BOZEMAN

Total, Ninety-three Thousand Dollars..... $93,000.00

Itemized as follows:

1. For the removal of the present Service Shop and Yards, and the replacement of a new Service Shop and Yards, the sum of Twenty-three Thousand Two Hundred Fifty Dollars $23,250.00

2. Re-wiring and Repairs to Hamilton Hall, Three Thousand Seven Hundred Twenty Dollars $3,720.00

3. Residence and Sheep Shed with Yards on the Ranch at Fort Ellis, Five Thousand Five Hundred Eighty Dollars..... $5,580.00

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4. New Chemistry Building and Recitation Room, Sixty Thousand Four Hundred Fifty Dollars $60,450.00

Industrial School at Miles City.

THE MONTANA STATE INDUSTRIAL SCHOOL AT MILES CITY

Total Sixty-seven Thousand One Hundred Five Dollars $67,105.00

Itemized as follows:

1. Two (2) Cottages for Boys at a cost of not over Sixty-seven Thousand One Hundred Five Dollars $67,105.00

State Normal.

EASTERN MONTANA STATE NORMAL SCHOOL AT BILLINGS

Total Two Hundred Thirty-two Thousand Five Hundred Dollars $232,500.00

Itemized as follows:

1. For the purpose of Building an Administrative and Instructional Building, at a cost not to exceed Two Hundred Thirty-two Thousand Five Hundred Dollars ..... $232,500.00 not over five per centum (5%) of which may be used for improvements of Grounds and Approaches.

Northern Montana Agricultural School.

NORTHERN MONTANA AGRICULTURAL AND MANUAL TRAINING SCHOOL AT FORT ASSINIBOINE

Total Two Hundred Thirty-two Thousand Five Hundred Dollars $232,500.00

Itemized as follows:

1. For the purpose of Building an Administrative and Instructional Building, at a cost not to exceed Two Hundred Thirty-two Thousand Five Hundred Dollars ..... $232,500.00 not over five per centum (5%) of which may be used for improvements of Grounds and Approaches.

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THE STATE INSANE ASYLUM AT WARM SPRINGS

State Insane Asylum.

Total Four Hundred Forty-four Thousand Five Hundred Dollars $444,500.00

Itemized as follows:

1. Quarters for Doctors and Office Help, Thirty-five Thousand Dollars $35,000.00

2. Male Dormitory, One Hundred Five Thousand Dollars $105,000.00

3. Male Receiving Hospital, One Hundred Five Thousand Dollars $105,000.00

4. Male Day Hall, Forty Thousand Dollars $40,000.00

5. Female Dormitory, Sixty Thousand Dollars $60,000.00

6. General Shop, Seven Thousand Five Hundred Dollars $7,500.00

7. Bath House, Three Thousand Dollars..... $3,000.00

8. Porches for Female Dormitory, Ten Thousand Dollars $10,000.00

9. Laundry and Equipment, Fifteen Thousand Dollars $15,000.00

10. Remodeling of Second Yard Building, Eighteen Thousand Two Hundred Fifty Dollars $18,250.00

11. Remodeling of Montana Block, Seventeen Thousand Dollars $17,000.00

12. Farm Buildings and Hog Department, One Thousand Five Hundred Dollars..... $1,500.00

13. Addition to Garage, Two Thousand Dollars $2,000.00

14. Furniture and Fixtures for new Building, Eighteen Thousand Dollars..... $18,000.00

15. Side Walks and Tunnels for new Building, Seven Thousand Two Hundred Fifty Dollars $7,250.00

Proviso.

Provided, that if the erection, repair and equipment of necessary buildings and other permanent improve-

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ments herein authorized for the State Hospital for the Insane at Warm Springs be completed at a less cost than the amount herein appropriated therefor, any surplus remaining of the total appropriation herein authorized for such institution may be expended by the State Board of Examiners for such additional equipment and buildings at such institution as may at that time be deemed necessary.

Galen Tuberculosis Sanitarium.

MONTANA STATE TUBERCULOSIS SANITARIUM AT GALEN

Total, Two Hundred Twenty-three Thousand Nine Hundred Eighteen Dollars.....$223,918.00

Itemized as follows:

1. Fifty-bed Hospital Unit, One Hundred Sixty-nine Thousand Five Hundred Dollars....$169,500.00

2. Equipment for Same, Twenty-three Thousand Dollars $23,000.00

3. Doctors Cottage, Five Thousand Five Hundred Dollars $5,500.00

4. Moving and Remodeling Cottage for Employees, Three Thousand Dollars..... $3,000.00

5. Converting Carpenter Shop into Apartment Dwelling, One Thousand Dollars..... $1,000.00

6. New Sewers, Water Mains, Light and Heat Connections for above Improvements, Two Thousand Four Hundred Dollars..... $2,400.00

7. Garage, Four Thousand Dollars..... $4,000.00

8. Eight Hundred Fifty (850) Feet of Tunnel for Housing Steam, Water and Sewer Lines, Eight Thousand Dollars..... $8,000.00

9. Root Cellar, Eight Hundred Dollars..... $800.00

10. Cast Iron Water Main Four Thousand Seven Hundred Twenty-eight Feet (4728 Ft.), Five Thousand Seven Hundred Eighteen Dollars $5,718.00

11. Cost of laying same, One Thousand Dollars $1,000.00

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Provided, that if the erection, repair and equipment of necessary buildings and other permanent improvements herein authorized for the Montana State Tuberculosis Sanitarium at Galen be completed at a less cost than the amount herein appropriated therefor, any surplus remaining of the total appropriation herein authorized for such institution may be expended by the State Board of Examiners for such additional equipment and buildings at such institution as may at that time be deemed necessary. Proviso.

STATE PRISON AT DEER LODGE: State Prison.

Total Four Hundred Thirty-five Thousand Eighty-two Dollars $435,082.00

Itemized as follows:

1. For one (1) Cell House with equipment and furnishings, Two Hundred Thousand Seven Hundred Eighty-two Dollars..... $200,782.00

2. For improvements to Cell House #2, One Hundred Thirty-five Thousand Dollars.... $135,000.00

3. For new Building between Cell Houses #1 and #2, to be used as a Dining Room, Kitchen, Laundry, Administration Department and Quarters for Guards, Ninety-five Thousand Dollars $95,000.00

4. Remodeling Bunk House for Trusties and Guards, Four Thousand Three Hundred Dollars $4,300.00

Provided, that if the erection, repair and equipment of necessary buildings and other permanent improvements herein authorized for the State Prison at Deer Lodge be completed at a less cost than the amount herein appropriated therefor, any surplus remaining of the total appropriation herein authorized for such institution may be expended by the State Board of Examiners for such additional equipment and buildings at such institution as may at that time be deemed necessary. Proviso.

MONTANA SCHOOL FOR DEAF, DUMB AND BLIND AT BOULDER: Boulder School.

Total, Seventy-three Thousand Four Hundred Seventy Dollars $73,470.00

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Itemized as follows:

1. New Flat Work Ironer, Washer, Press, Ironing-board Brackets and Exit Drier, Seven Thousand Nine Hundred Sixty-five Dollars.... $7,965.00

2. Well Casing, Three Hundred Seventy-two Dollars $372.00

3. General Repairs, additional Barns and Shed, two (2) 1500 bushel Grain Tanks for Ranch and Ranch Buildings, Five Thousand One Hundred Fifteen Dollars..... $5,115.00

4. New Industrial Training Building to house additional Patients and furnish Quarters for industrial training, Addition to Hospital Kitchen, Forty-eight Thousand Five Hundred Thirty-three Dollars $48,533.00

5. Remodeling Garage Building into Trades Training Building and erection of small Garage, Two Thousand One Hundred Eighty-five Dollars $2,185.00

6. General repairs to buildings, Nine Thousand Three Hundred Dollars..... $9,300.00

Orphans' Home.

STATE ORPHANS' HOME AT TWIN BRIDGES:

Total, Eighty Thousand Nine Hundred Ten Dollars $80,910.00

Itemized as follows:

1. Domestic Science Cottage and Dormitory Building, Twenty-seven Thousand Four Hundred Dollars $27,400.00

2. Furniture for same, Four Thousand Six Hundred Fifty Dollars $4,650.00

3. New Administration and Class Room Building to be erected on the present site of the condemned Building, Forty-six Thousand Five Hundred Dollars $46,500.00

4. Additional Sun-room to Nursery and architectural changes, Two Thousand Three Hundred Sixty Dollars $2,360.00

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MONTANA STATE NORMAL COLLEGE AT DILLON: Dillon Normal College.

Total, Twenty-four Thousand One Hundred Eighty Dollars $24,180.00

Itemized as follows:

1. Remodeling and repairs Buildings, Eighteen Thousand Six Hundred Dollars..... $18,600.00

2. Repairs to Heating Plant and changes in Light Wiring, Five Thousand Five Hundred Eighty Dollars $5,580.00

STATE UNIVERSITY AT MISSOULA: State University at Missoula.

Total, One Hundred Twelve Thousand Five Hundred Thirty Dollars $112,530.00

Itemized as follows:

1. Repair to Power House, Two Thousand Seven Hundred Ninety Dollars..... $2,790.00

2. School of Journalism to be known as Stone Hall in honor of Dean A. L. Stone, and Equipment for Same, One Hundred Nine Thousand Seven Hundred Forty Dollars.....$109,740.00

MONTANA STATE SCHOOL OF MINES AT BUTTE: School of Mines.

Total, Fifty-five Thousand Four Hundred Eighty Dollars $55,480.00

Itemized as follows:

1. For Repairs Main Hall Foundation, Twenty-five Thousand Dollars $25,000.00

2. Repairs to Heating Plant and changes in Ventilation System, Seven Thousand Four Hundred Forty Dollars $7,440.00

3. Addition to Library Stacks, Two Thousand Five Hundred Eighty Dollars..... $2,580.00

4. Remodeling Buildings to provide Additional Class Rooms and New Furniture, Nine Thousand Three Hundred Dollars $9,300.00

5. Sundry Repairs, Six Thousand Five Hundred Ten Dollars $6,510.00

6. Modernizing Milling Plant, Four Thousand Six Hundred Fifty Dollars..... $4,650.00

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Girls' Vocational School.

MONTANA VOCATIONAL SCHOOL FOR GIRLS AT HELENA

Total, Eight Thousand Three Hundred Twenty-five Dollars $8,325.00

Itemized as follows:

1. Water Standpipe and enlarging Main, Seven Thousand Five Hundred Dollars..... $7,500.00

2. School Room Equipment, Seven Hundred Fifty Dollars $750.00

3. Flag Staff, Seventy-five Dollars..... $75.00

Soldiers' Home.

STATE SOLDIERS' HOME, COLUMBIA FALLS, MONTANA

Total, Thirteen Thousand Dollars..... $13,000.00

Itemized as follows:

1. Utility Building, Ten Thousand Dollars.. $10,000.00

2. Repairs on Main Building and Water System, Three Thousand Dollars..... $3,000.00

Section 4. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provision of the Budget Act.

Section 5. This Act will be in full force and effect on and after its passage and approval.

Approved March 16, 1931.

CHAPTER 187.

An Act Appropriating Money for the Operation, Maintenance and Improvements of the Montana State Fair for the Period Beginning July 1, 1931, and Ending June 30, 1933.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All fees and earnings of the Montana State Fair, from whatsoever source they may be derived, are hereby annually and perpetually appropriated for the use of said Montana State Fair. All sums of every nature collected, received or arising from the operation of the

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Montana State Fair shall be turned over to the State Treasurer of the State of Montana, and placed by him in a special fund to be known and designated as the State Fair Revolving Appropriation Account. Said fund is hereby exclusively set apart and made available for the payment of all expenses, fees and expenditures of said Montana State Fair, of every nature whatsoever, and said fund shall be expended, for any and all purposes, by the legally authorized management of said State Fair, subject to the audit of the State Board of Examiners.

State Fair revolving account.

Section 2. That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of salaries, premiums and other expenses of the Montana State Fair for the year beginning July 1, 1931, and ending June 30, 1932, Twenty-five Thousand Dollars ($25,000.00). That the sum of Twelve Thousand Dollars ($12,000.00) shall be and the same is hereby set aside for the purpose of the payment of premiums on livestock, agricultural exhibits and such other exhibits as the State Fair Board shall designate, and that the said sum of Twelve Thousand Dollars ($12,000.00) shall be used for no other purpose; provided that no resident of the State of Montana shall be debarred from exhibiting, upon complying with the rules governing exhibitions. That the sum of Thirteen Thousand Dollars ($13,000.00) shall be used for the purpose of maintenance, operation and other expenses of the Montana State Fair, and shall be used for no other purpose.

Appropriation for 1931.

Section 3. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the payment of salaries, premiums and other expenses of the Montana State Fair for the year beginning July 1, 1932, and ending June 30, 1933, Twenty-five Thousand Dollars ($25,000.00). That the sum of Twelve Thousand Dollars ($12,000.00) shall be and the same is hereby set aside for the purpose of the payment of premiums on livestock, agricultural exhibits and such other exhibits as the State Fair Board shall designate, and that the said sum of Twelve Thousand Dollars ($12,000.00) shall be used for no other pur-

Appropriation for 1932.

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pose; provided that no resident of the State of Montana shall be debarred from exhibiting, upon complying with the rules governing exhibitors. That the sum of Thirteen Thousand Dollars ($13,000.00) shall be used for the purpose of maintenance, operation and other expenses of the Montana State Fair, and shall be used for no other purpose.

Section 4. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 16, 1931.

CHAPTER 188.

An Act Relating to County Bonds; Granting Boards of County Commissioners Power to Issue and Sell Bonds for Certain Purposes and Subject to Certain Conditions and Limitations; Prescribing the Procedure for the Issuance, Sale and Repayment of, and the Duties of County Officers in Connection With, Such Bonds; and Repealing Sections 4614, 4615, 4616, 4617, 4619, 4620, 4621, 4622, 4623, 4624, 4652, 4653, 4654, 4655, 4656, 4658, 4693, 4694, 4695, 4696, 4697, 4699 and 4712 of the Revised Codes of Montana of 1921, Chapter 21 of the 1921 Session Laws and Chapters 84 and 99 of the 1925 Session Laws and All Other Acts and Parts of Acts in Conflict with the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of County Commissioners may issue bonds for certain purposes.

Section 1. **Board of County Commissioners May Issue Bonds for Certain Purposes.** The board of county commissioners of every county of the state is hereby vested with the power and authority to issue, negotiate and sell coupon bonds on the credit of the county, as hereinafter in this Act more specifically provided, for any of the following purposes:

Acquiring land.

Subdivision (a). For the purpose of acquiring land for sites and grounds for a public building or buildings of any kind within the county and under its control, which the county has lawful authority to acquire or erect, control and maintain; for the purpose of acquiring

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land for any other public use or activity within the county, under its control and authorized by law.

Erect buildings.

Subdivision (b). For the purpose of constructing, erecting or acquiring by purchase necessary public buildings within the county, under its control and authorized by law, making additions to and repairing buildings and for the purpose of furnishing and equipping the same.

Rights-of-way.

Subdivision (c). For the purpose of acquiring rights-of-way for and constructing public highways and bridges, or either of them.

Liquidate indebtedness.

Subdivision (d). For the purpose of enabling a county to liquidate its indebtedness to another county incident to the creation of a new county or the changing of any county boundary line.

Paying warrants.

Subdivision (e). For the purpose of funding, paying and retiring outstanding county warrants lawfully issued against the county general fund, road fund, bridge fund or poor fund, when there is not sufficient money in the fund against which such warrants are drawn to pay and retire such warrants and the levying of taxes sufficient to pay and retire such warrants within a period of three (3) years would, in the judgment of the board of county commissioners, work a hardship and be an undue burden upon the taxpayers of the county.

Paying bonds.

Subdivision (f). For the purpose of refunding, paying and redeeming optional, redeemable or maturing bonds when there are not sufficient funds available to pay such bonds and it is deemed for the best interests of the county to refund such bonds.

To pay seed grain warrants.

Subdivision (g). For the purpose of funding, paying and retiring outstanding seed grain warrants lawfully issued under the provisions of Section 4651 Revised Codes of Montana, 1921, and for the purpose of funding, paying and retiring outstanding special relief warrants lawfully issued under the provisions of Section 4692, Revised Codes of Montana, 1921, when there is not sufficient money available to pay such warrants and the levying of special taxes sufficient to pay the same within a period of three (3) years would, in the judgment of the board of county commissioners, work a hardship and be an undue burden upon the taxpayers of the county.

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Separate purposes.

Section 2. **Single Purpose.** Acquiring land for a site for a public building, or for any other public use within the county, and constructing, erecting or acquiring by purchase any building on such land and furnishing and equipping the same, shall be deemed a single purpose; acquiring a right-of-way for and constructing a public highway, including any bridge or bridges thereon, shall be deemed a single purpose; the construction of two or more bridges forming a part of the same public highway shall be deemed a single purpose; the construction of two or more bridges, when not forming a part of the same public highway, shall be deemed separate purposes; a contribution by a county to the cost of a Federal Aid bridge shall be deemed a separate purpose, and a contribution by a county to the cost of a Federal Aid Highway project on a highway leading to said bridge shall be deemed a separate purpose.

Limitations on amount of bonds.

Section 3. **Limitations on Amount of Bonds.** No county shall issue bonds for any purpose which, with all outstanding bonds and warrants, except county high school bonds and emergency bonds, will exceed two and one-half per centum (2½%) of the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the issuance of such bonds; provided, however, that a county may issue bonds which, with all outstanding bonds and warrants, will exceed two and one-half per centum (2½%), but will not exceed five per centum (5%) of the value of such taxable property, when necessary to do so for the purpose of refunding bonds heretofore legally issued, replacing, rebuilding or repairing county buildings, bridges or highways which have been destroyed or damaged by an act of God, disaster, catastrophe or accident, or when necessary to do so for the purpose of acquiring land for a site for county high school buildings and for erecting or acquiring buildings thereon and furnishing and equipping the same for county high school purposes; provided, however, that this Act shall not be construed to extend the limitations on bonded indebtedness for county high school purposes as fixed by Section 1276 of the Revised Codes of 1921 and Acts amendatory thereof. All bonds issued by any county in excess of the limitations herein fixed shall be null and void. The words "VALUE OF THE TAXABLE PROPERTY", as used

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in this section, are used in the same sense as in Section 5 of Article XIII of the Constitution and shall be given the same meaning and construction.

Terms of bonds and rate of interest.

Section 4. **Terms of Bonds and Rate of Interest.** No bonds issued for any of the purposes designated in Subdivisions (a), (b) or (c) of Section 1 of this Act shall be for a longer term than twenty (20) years; no bonds issued for any of the purposes designated in Subdivisions (d), (e) or (f) of Section 1 of this Act shall be for a longer term than ten (10) years; and no bonds issued for any of the purposes designated under Subdivision (g) of Section 1 of this Act shall be for a longer term than five (5) years. All bonds issued for a longer term than five (5) years may be redeemable, at the option of the county, at any time before maturity when so stated in the bonds. The maximum rate of interest which any of such bonds may bear shall be six per centum (6%) per annum, and shall be payable semi-annually.

Form of bonds.

Section 5. **Form of Bonds.** All bonds hereafter issued by any county shall be either amortization bonds or serial bonds, and all things being equal amortization bonds shall be issued in preference to serial bonds, otherwise serial bonds may be issued.

Amortization bonds.

The term "amortization bonds", as used in this Act, is hereby defined as meaning that form of bond on which a part of the principal is required to be paid each time interest becomes due and payable, which part payment of principal increases with each following installment in the same amount the interest payment decreases, so that the combined amount payable on principal and interest is the same on each interest payment date; provided, however, that the final payment may vary in amount from the other payments to the extent resulting from disregarding fractional cents in the other payments.

Serial bonds.

The term "serial bond", as used in this Act, is hereby defined as being a bond issue payable in equal annual installments, one (1) installment consisting of one (1) or more bonds, becoming due and payable each year, the amount to be paid and redeemed each year being determined by dividing the total amount of the bonds to be issued by the total number of years the issue is to run, so that the total amount of principal to be paid each year the bonds are to run will be the same; provided, however,

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that the final payment may vary in amount from the other payments to the extent resulting from fixing the amount of each bond of the other payments at One Hundred Dollars ($100.00) or some multiple thereof.

Issue bonds without election.

Section 6. **Bonds Issued for Certain Purposes May Be Issued Without Holding an Election.** Bonds issued for the purpose of enabling a county to liquidate its indebtedness to another county incident to the creation of a new county or the changing of a county boundary line; for the purpose of funding, paying and retiring outstanding county warrants issued prior to July 1, 1931; for the purpose of refunding, paying and redeeming optional, redeemable or maturing bonds issued prior to May 1, 1923; and for the purpose of funding seed grain warrants and special relief warrants, as set forth in Subdivisions (d), (e), (f) and (g) of Section 1 of this Act, may be issued without submitting the same to an election. In order to issue bonds for any of said purposes it shall only be necessary for the board of county commissioners, at a regular or duly called special meeting, to pass and adopt a resolution setting forth the facts in regard to the indebtedness to be paid or bonds to be refunded, showing the reason for issuing such bonds and fixing and determining the details thereof, giving notice of the sale thereof in the same manner that notice is required to be given of the sale of bonds authorized at an election, and then following the procedure prescribed in this Act for the sale and issuance of such bonds.

Petition and election for issuing bonds.

Section 7. **Petition and Election Required for Bonds Issued for Other Purposes.** County bonds for any other purpose than those enumerated in Section 6 of this Act shall not be issued unless authorized at a duly called special or general election at which the question of issuing such bonds was submitted to the qualified electors of the county and approved, as provided in Section 13 of this Act; and no such bond election shall be called unless there has been presented to the board of county commissioners a petition, asking that such election be held and such question be submitted, signed by not less than twenty per centum (20%) of the qualified electors of the county, who are taxpayers upon property within the county and whose names appear on the last completed assessment roll for state and county taxes.

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Section 8. **Form, Contents and Proof of Petition.** Every petition for the calling of an election to vote upon the question of issuing county bonds shall plainly and clearly state the purpose or purposes for which the proposed bonds are to be issued, and shall contain an estimate of the amount necessary to be issued for such purpose or purposes. There may be a separate petition for each purpose, or two (2) or more purposes may be combined in one (1) petition if each purpose, with an estimate of the amount of bonds necessary to be issued therefor, is separately stated in such petition. Such petition may consist of one (1) sheet, or of several sheets identical in form and fastened together after being circulated and signed so as to form a single complete petition before being delivered to the county clerk as hereinafter provided. The petition shall give the postoffice address and voting precinct of each person signing the same.

Form, contents and proof of petition.

Only persons who are qualified to sign such petitions shall be qualified to circulate the same, and there shall be attached to the completed petition the affidavit of some person who circulated, or assisted in circulating such petition, that he believes the signatures thereon are genuine and that the signers knew the contents thereof before signing the same. The completed petition shall be filed with the county clerk who shall, within fifteen (15) days thereafter, carefully examine the same and the county records showing the qualifications of the petitioners, and attach thereto a certificate under his official signature and the seal of his office, which certificate shall set forth:

Petitions and circulation.

Certificate.

(1) The total number of persons who are registered electors and whose names appear upon the last completed assessment roll for state and county taxes.

Total registered electors.

(2) Which and how many of the persons whose names are subscribed to such petition are possessed of all of the qualifications required of signers to such petition.

Qualifications of signers.

(3) Whether such qualified signers constitute more or less than twenty per centum (20%) of the registered electors whose names appear upon the last completed assessment roll for State and county taxes.

Percentage of electors.

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Consideration of petition.

Section 9. **Consideration of Petition — Calling Election.** When such petition has been filed with the county clerk and he has found that it has a sufficient number of signers, qualified to sign the same, he shall place the same before the board of county commissioners at its first meeting held after he has attached his certificate thereto. The board shall thereupon carefully examine the petition and make such other investigation as it may deem necessary.

Resolution.

If it is found that the petition is in proper form, bears the requisite number of signers of qualified petitioners, and is in all other respects sufficient, the board shall pass and adopt a resolution which shall recite the essential facts in regard to the petition and its filing and presentation, the purpose, or purposes, for which the bonds are proposed to be issued, and fix the exact amount of bonds proposed to be issued for each purpose, which amount may be less than but must not exceed the amount set forth in the petition, determine the number of years through which such bonds are to be paid, not exceeding the limitations fixed in Section 4 hereof, and making provision for having such question submitted to the qualified electors of the county at the next general election, or at a special election which the board may call for such purpose.

Election.

Notice.

Section 10. **Notice of Election—Election Hours—Election Officers.** Whether such election is held at the general election, or at a special election, separate notice shall be given thereof. Such notice shall state the date when such election will be held, the hours between which the polls will be open, the amount of bonds proposed to be issued, the purpose of the issue, the term of years through which the bonds are to be paid, and such other information regarding the holding of the election and the bonds proposed to be issued as the board may deem proper. If bonds are to be issued for two (2) or more purposes, each purpose and the amount therefor must be separately stated. Such notice shall be posted in each voting precinct throughout the county in the same manner as notices for a general election are required to be posted. Such notice must also be published once each week for four (4) consecutive weeks preceding the election in the official newspaper of the county.

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Election hours.

If the question of issuing bonds is submitted at a special election called for such purpose the board of county commissioners shall fix the hours through which the polls are to be kept open, which shall be not less than eight (8), and which must be stated in the notice of election, and may appoint a smaller number of election judges than is required for a general election, but in no case shall there be less than three (3) judges in the precinct, and such judges shall act as their own clerks.

Election officers.

If the question of issuing bonds is submitted at a general election, the polls shall be kept open during the same hours as are fixed for such general election and the judges and clerks for such general election shall act as the judges and clerks for such bond election.

Form of ballots and conduct of election.

Section 11. **Form of Ballots and Conduct of Election.** The form of ballots shall be as prescribed by Section 4722 of the Revised Codes of Montana of 1921; but if bonds are sought to be issued for two (2) or more separate purposes, then separate ballots must be provided for each purpose. The election shall be conducted in the manner prescribed by said Section 4722 of the 1921 Codes, and the general election laws of the State shall govern insofar as they are applicable; but if such question be submitted at a general election the votes thereon must be counted separately and separate returns must be made by the judges and clerks at such election.

Who are entitled to vote.

Section 12. **Who Are Entitled to Vote.** All qualified electors of the county, whose names appear upon the registration list of the county and upon the poll books of the precinct in which they seek to vote, shall be qualified to vote at all county bonding elections, and no property assessment or tax paying qualification shall be required.

Percentage of electors required to authorize bond issue.

Section 13. **Percentage of Electors Required to Authorize Bond Issue.** Whenever the question of issuing county bonds for any purpose is submitted to the qualified electors of a county, at either a general or special election, not less than forty per centum (40%) of the qualified electors entitled to vote on such question must vote thereon, otherwise such proposition shall be deemed to have been rejected; provided, however, that if forty per centum (40%), or more of such qualified electors

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do vote on such question, at such election, and a majority of such votes shall be cast in favor of such proposition, then such proposition shall be deemed to have been approved and adopted.

Canvass of returns.

Section 14. **Canvass of Election Returns—Resolution for Bond Issue.** If the bonding election be held at the same time as a general election, then the returns shall be canvassed at the same time as the returns from such general election; but if the bonding election is a special election, then the board of county commissioners shall meet within ten (10) days after the date of holding such special election and canvass the returns. If it is found that at such election forty per centum (40%) or more, of the qualified electors entitled to vote at such election voted on such question, and that a majority of such votes were cast in favor of the issuing of such bonds, the board of county commissioners shall, at a regular or special meeting held within thirty (30) days thereafter, pass and adopt a resolution providing for the issuance of such bonds. Such resolution shall recite the purpose for which such bonds are to be issued, the amount thereof, the maximum rate of interest the bonds may bear, the date they shall bear, the period of time through which they shall be payable, the optional provisions, if any; and provide for the manner of the execution of the same. It shall provide that preference shall be given amortization bonds but shall fix the denomination of serial bonds in case it shall be found advantageous to issue bonds in that form, and shall adopt a form of notice of the sale of the bonds.

Resolution for bond issue.

Installments.

The board may, in its discretion, provide that such bonds may be issued and sold in two or more series or installments.

Form of notice.

Section 15. **Form of Notice.** The notice of sale shall state the purpose or purposes for which the bonds are to be issued and the amount proposed to be issued for each purpose and shall be substantially in the following form:

NOTICE OF SALE OF COUNTY BONDS

Notice is Hereby Given By the Board of County Commissioners of.....County, State of Montana, that the said Board will on the.....day of

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....., 19....., at the hour of ..... o'clock .....M., at the office of the Board in the court house in the (town or city) of..... in the said county, sell to the highest and best bidder for cash, either amortization or serial bonds of the said county in the total amount of..... Dollars ($.....), for the purpose of.....

Amortization bonds will be the first choice and serial bonds will be the second choice of the said Board. Amortization.

If amortization bonds are sold and issued, the entire issue may be put into one single bond or divided into several bonds, as the said Board may determine upon at the time of sale, both principal and interest to be payable in semi-annual installments during a period of ..... years from the date of issue.

If serial bonds are issued and sold they will be in the amount of.....Dollars ($.....) each, except the last bond which will be in the amount of .....Dollars ($.....); the sum of .....Dollars ($.....) of the said serial bonds will become payable on the.....day of ....., 19....., and a like amount on the same day each year thereafter until all of such bonds are paid, except that the last installment will be in the amount of.....Dollars ($.....). Serial.

The said bonds, whether amortization or serial bonds, will bear date of ....., 19....., and will bear interest at a rate not exceeding six per centum (6%) per annum, payable semi-annually, on the..... day of..... (month) ..... and..... (month) .....in each year, and will be redeemable in full (here insert the optional provisions, if any, to be recited in the bonds).

The said bonds will be sold for not less than their par value with accrued interest to date of delivery, and all bidders must state the lowest rate of interest at which they will purchase the bonds at par. The Board reserves the right to reject any and all bids and to sell the said bonds at private sale. Not less than par.

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Certified check

All bids other than by or on behalf of the State Board of Land Commissioners of the State of Montana must be accompanied by a certified check in the sum of..... Dollars, ($.....), payable to the order of the clerk, which will be forfeited by the successful bidder in the event that he shall fail or refuse to complete the purchase of the said bonds in accordance with the terms of his bid.

All bids should be addressed to the Board of County Commissioners of said County and delivered to the County Clerk of said County.

ATTEST:

.....
Chairman, Board of County Commissioners

of ..... County,
State of Montana.

.....
Clerk of the Board of County Commissioners

of.....County, Montana.

Address.....Montana.

Publication of notice of sale.

Section 16. **Publication of Notice of Sale.** The board of county commissioners shall cause such notice to be published once each week for four successive weeks immediately preceding the date of sale in the official newspaper of the county; and the board may in its discretion cause such notice to be published in some financial newspaper published in the city of New York, or in the city of Chicago, or in financial newspapers published in each of said cities.

Notice to the State Board of Land Commissioners.

Section 17. **Notice to the State Board of Land Commissioners.** At the same time the notice is sent to the official newspaper of the county for publication the county clerk shall send a copy of such notice to the Secretary of the State Board of Land Commissioners and shall thereupon furnish to the said secretary a transcript of the proceedings had for the issuance of bonds, and such other information relating thereto as the secretary may find necessary.

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Sale of bonds.

Section 18. **Sale of Bonds.** The board of county commissioners shall meet at the time and place fixed in the notice to consider bids for the bonds. The bonds shall be sold at not less than par and accrued interest to date of delivery, and each bidder shall specify the form of bonds to be issued, whether amortization or serial, and the rate of interest at which he will purchase the bonds. A bid for amortization bonds shall have the preference over a bid for serial bonds, all other things being equal; and in determining the kind of bonds to be issued the board shall take into consideration not only the rate of interest demanded on each kind, but also all other known elements affecting the interests of the county, and the board shall accept the bid which they shall judge most advantageous to the county; provided, that no bid shall be accepted which will require the bonds to bear a rate of interest exceeding six per centum (6%) per annum. No attorney fees, brokerage or other fees, or commission of any kind shall be paid to any person or corporation for assisting in the proceedings, or in the preparation of the bonds, or in negotiating the sale thereof. The board is authorized to reject any or all bids and to sell the bonds at private sale if they deem it for the best interests of the county; provided, however, that such bonds shall not bear a greater rate of interest than six per centum (6%) and shall not be sold at less than par and accrued interest to date of delivery.

Form and execution of bonds.

Section 19. **Form and Execution of Bonds.** At the time of the sale of the bonds or at a meeting held thereafter the board of county commissioners shall prescribe the form of the bonds, whether amortization bonds or serial bonds, and of the coupons to be attached thereto. Each and every county bond and every coupon attached thereto must be signed by the Chairman of the Board of County Commissioners and the County Treasurer and attested by the County Clerk, and each bond shall have the county seal affixed thereto; provided, however, that lithographic or engraved facsimiles of the signatures of the chairman of the board, the Treasurer and the County Clerk may be affixed to the coupons in place of their signatures when such fact is so recited in the bond.

Printing of the bonds.

Section 20. **Printing of the Bonds.** Under the direction of the board, the county clerk shall cause the bonds, with coupons thereto attached, to be printed or litho-

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graphed at the expense of the county at lowest commercial rates; provided, however, that a purchaser of such bonds may furnish the same to the county for execution if the same is done at his own expense and without expense to the county.

Registration of bonds.

Section 21. **Registration of Bonds—Copy to Be Preserved.** When duly executed by the officers of the county as herein provided, the bonds shall be registered by the county treasurer in a book provided for that purpose before being delivered to the purchaser. Such registration shall show the number and amount of each bond, the date of issue, date redeemable and date when the same becomes due, the amount of all payments of both principal and interest required to be made on each bond with the dates when the same are required to be paid, and the name and address of the purchaser. The county clerk shall also deliver to the county treasurer an unsigned and cancelled printed copy of a bond of each issue, as so issued and registered, to be preserved in his office.

Copies to be preserved.

Delivery of bonds.

Section 22. **Delivery of Bonds — Payment for Same.** In case the State Board of Land Commissioners is the purchaser of the bonds, the county treasurer shall forward the registered bonds to the secretary of the board who shall cause the same to be delivered to the State Treasurer and payment therefor shall be made in the manner provided by law. In case the bonds are purchased by other investors the county treasurer shall deliver the bonds to the purchaser upon receiving full payment therefor. All moneys arising from the sale of such bonds shall be paid to the county treasurer and shall be immediately available for the purpose or purposes for which the bonds were issued and for no other purpose.

Payment for same.

Counties liable on bonds.

Section 23. **Counties Liable on Bonds.** All bonds issued under the provisions of this Act shall be legal and valid obligations of the county issuing the same, and the full faith and credit of such county are hereby irrevocably pledged for the prompt payment of both principal and interest thereof as the same became due.

Treasurer's certificate as to principal and interest to be paid.

Section 24. **Treasurer's Certificate as to Principal and Interest to Be Paid.** Whenever any county has any issue or series of bonds outstanding and there is not sufficient funds on hand available for the payment of the full

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amount of the interest and principal thereof, the county treasurer of such county shall, between the first and fifth days of August in each year while such bonds, or any thereof, remain outstanding and unpaid, make out and deliver to the board of county commissioners of such county a statement showing the amount required to be raised by tax levy during the then current fiscal year for payment of interest and principal becoming due and payable during such fiscal year, or within ninety (90) days thereafter, on each issue or series of bonds outstanding, or if no part of the principal of any such issue or series of bonds will become due and payable within such time, then such statement shall show the amount required to be raised by tax levy during such year for payment of interest becoming due during such time and to place the proper amount in the sinking fund for the payment of the principal of such bonds when they become due, as provided in Section 25 hereof.

Section 25. **Tax.** The board of county commissioners, at the time of making the levy of taxes for county purposes, must levy a separate and special tax, upon all taxable property in the county, for the payment of interest on and principal of each series or issue of bonds outstanding, and the tax levy for any one series or issue of bonds must be entirely separate and distinct from such levy for any other series or issue of bonds. The levy made for the purpose of paying interest on and principal of each series or issue of bonds must be high enough to raise an amount sufficient to pay all interest on and so much of the principal, if any, of such bonds as will become due and payable during the then current fiscal year or within ninety (90) days thereafter, as such amount is shown by the treasurer's statement provided by Section 24; and if no part of the principal of such bonds will become due and payable within such time, then such tax levy must be high enough to raise an amount sufficient to pay all interest which will become due and payable during the current fiscal year or within ninety (90) days thereafter, and to also place in the sinking fund for such issue or series of bonds, for the payment of the principal thereof when the same becomes due, an amount not less than a sum produced by dividing the whole amount for which such series or issue of

Tax.

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bonds were originally issued by the number of years for which the same were originally issued to run.

Liability of members of Board of County Commissioners.

Section 26. **Liability of Members of Board of County Commissioners.** If the board of county commissioners of any county shall fail, neglect or refuse in any year to make a levy sufficient to pay the interest on and principal of any issue or series of bonds, as required by the provisions of Section 25 of this Act, the holder of any bond of such issue or series, or any taxpayer paying taxes on property situated in such county, may apply to the district court of the county issuing such bonds for a writ of mandate to compel the board of county commissioners of such county to make a proper and sufficient levy for such purposes, and if, upon the hearing of such application it shall appear to the satisfaction of the court that the board of county commissioners has failed, neglected or refused to make any levy whatever for such purposes, or has made a levy but that the same is insufficient to raise the amount required to be raised for such purposes under the provisions of Section 25 of this Act, the court shall determine the amount of the deficiency and shall issue a writ of mandate directed to and requiring such board of county commissioners, at the next meeting thereof for the purpose of making and fixing county levies, to raise the amount of such deficiency, which levy shall be in addition to the levy required to be made for the then current fiscal year; provided, that any costs which may be allowed or awarded the petitioner in any such proceeding shall be paid by the members of the board of county commissioners, and shall not be a charge against such county.

County bond funds.

Section 27. **County Bond Funds.** The county treasurer of each county shall keep in his books a special and separate sinking and interest fund account for each series or issue of outstanding bonds issued by his county, and each such fund must at all times show the exact condition thereof. All taxes collected for interest and principal on county bonds shall be placed to the credit of the sinking and interest fund for which the same were levied, and such fund shall not be used for any purpose other than the payment of principal and interest on such bonds so long as any of such bonds remain outstanding. When all bonds of any series or issue, with the interest

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thereon, have been fully paid, or called in for payment, and there remains in the sinking and interest fund for such series or issue any amount not required for the payment of such bonds and interest, such excess amount and all amounts subsequently collected for such fund shall be transferred to the general fund of the county, or to the sinking and interest fund of any other series or issue of bonds outstanding that the board of county commissioners may designate.

Payment of principal and interest.

Section 28. **Payment of Principal and Interest.** The county treasurer shall pay from the proper sinking and interest fund the interest and principal of each issue or series of outstanding bonds, as such interest and principal become due and at the place where said bonds are payable, upon the presentation and surrender of the coupon or coupons, bond or bonds to be paid; provided, however, that if the bonds are held by the State of Montana, then all such payments shall be made at the office of the State Treasurer, who shall cancel the coupons or bonds and return the same to the county treasurer together with his receipt.

Rate of interest on delinquencies.

Any and all installments of interest or principal on bonds held by the state and not promptly paid at the office of the State Treasurer when due, shall draw interest at the rate of six per centum (6%) per annum from the date due until actually paid, irrespective of the rate of interest on the bonds themselves.

Redemption of bonds before maturity.

Section 29. **Redemption of Bonds Before Maturity.** Whenever there is available money in any sinking and interest fund, over and above the amount required for payment of principal and interest becoming due on the next interest payment date, sufficient to pay and redeem one or more of the outstanding bonds of the issue or series to which such sinking and interest fund belongs, and such bonds are held by the State of Montana, the county treasurer must apply such available money in payment of as many of such bonds as the same will pay. Not less than fifteen (15) days before the next interest payment date the county treasurer must give notice to the State Board of Land Commissioners that on such interest payment date such bond or bonds will be paid, and the county treasurer, before such interest payment date, must remit to the State Treasurer the amount re-

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quired to pay such bond or bonds, with the interest thereon. Upon receipt of such amount the State Treasurer must cancel such bond or bonds and all unpaid interest coupons attached thereto, and return the same, with his receipt, to the county treasurer.

Surplus may be used to redeem optional bonds.

Whenever there is available money in any sinking and interest fund, over and above the amount required for payment of principal and interest becoming due on the next interest payment date, sufficient to pay and redeem one or more outstanding optional bonds of the issue or series to which such sinking and interest fund belongs, and which bonds are not yet due but are then redeemable or will become redeemable on the next interest payment date, and such bonds are not held by the State of Montana, the county treasurer must apply such available money in payment and redemption of as many of such bonds as the same will pay and redeem. The county treasurer must give notice to the holder of such bond or bonds, if known to him, or to any bank or financial institution at which such bonds are payable, at least fifteen (15) days before the next interest payment date, that such bonds will be paid and redeemed on such date. The county treasurer must also publish in the official newspaper of the county, once a week for two (2) consecutive weeks immediately preceding such interest payment date, a notice that such bond or bonds have been called in for redemption and will be paid in full on such interest payment date. If such bonds are payable at some bank or financial institution the county treasurer must remit to such bank or financial institution, before such interest payment date, an amount sufficient to pay and redeem such bonds. If such bonds are not presented for payment and redemption on such interest payment date interest thereon shall cease on such date.

Notice to holder.

Publication.

Funds for payment.

Numerical order.

All bonds paid and redeemed under the provisions of this Section must be paid and redeemed in the numerical order in which the same were issued.

Investment of sinking and interest fund.

Section 30. **Investment of Sinking and Interest Fund.** Whenever there is available money in any sinking and interest fund, over and above the amount required for payment of principal and interest becoming due on the next interest payment date, sufficient to pay and redeem one or more outstanding bonds of the issue or series

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to which such sinking and interest fund belongs, and such bonds are not held by the State of Montana and are not yet redeemable or due, the county treasurer, at the direction of the board of county commissioners, shall purchase such bond or bonds of such issue or series, if this can be done at not more than par and accrued interest, or at such reasonable premium as the board may feel justified in paying, not in any case exceeding five per centum (5%).

If the board cannot purchase any of the outstanding bonds at such reasonable price then such available money in such sinking and interest fund shall be invested by the county treasurer, under the direction of the board of county commissioners, in other bonds of the county, in warrants of the county or any other county of the state, in bonds or warrants of the state, or in bonds or treasury certificates of the United States; provided, however, that such sinking and interest funds shall only be invested in such securities as will become due and payable at least thirty (30) days before the date when the bonds of the county of such series or issue will become redeemable.

In what securities money may be invested.

Section 31. **Cancellation of Bonds, Coupons and Warrants.** All bonds and interest coupons paid by the county treasurer from time to time shall be cancelled by him, and he shall enter on the record of the registration of such bonds the date of the payment of the same and the several coupons attached thereto, and he shall deliver the same, after such cancellation, to the county clerk, with a report showing the numbers of such bonds and the amounts paid as principal and interest thereon, and the county clerk shall exhibit such bonds and coupons, with such report, to the board of county commissioners at the next regular meeting thereof.

Cancellation of bonds, coupons and warrants.

Whenever bonds are issued for the purpose of funding outstanding warrants or refunding outstanding bonds it shall be the duty of the county treasurer to apply the proceeds derived from the sale of such bonds to the payment of such warrants or bonds to be so funded or refunded, and he shall, upon taking up such warrants or bonds, cancel the same, keep a record thereof, and deliver the same to the county clerk, with a report showing the numbers thereof and the amounts paid for principal

Duty of County Treasurer.

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and interest, and the county clerk shall exhibit such warrants and bonds with such report to the board of county commissioners at the next regular meeting thereof.

Exchange of bonds for amortization bonds.

Section 32. **Exchange of Bonds for Amortization Bonds.** Subject to the approval of the State Board of Land Commissioners the board of county commissioners of any county is hereby vested with the power and authority to issue amortization bonds for the purpose of refunding any outstanding bonds of such county held by the State of Montana and which were not issued either as amortization or serial bonds, whether such bonds are due or not, and to exchange the same for such outstanding bonds. Such amortization bonds shall conform in all respects to the definition of amortization bonds as set forth in Section 5 of this Act, and shall bear interest at such rate as may be agreed upon between the board of county commissioners and the State Board of Land Commissioners, but which shall not exceed six per centum (6%) per annum. Such amortization bonds may be issued and exchanged for such outstanding bonds without submitting the question of issuing the same to an election, and it shall not be necessary to publish any notice of sale of such bonds. This section shall not be construed so as to deprive boards of county commissioners of the right to advertise, sell and issue refunding bonds in the manner provided by this Act.

Application to outstanding bonds.

Section 33. **Application to Outstanding Bonds.** All of the provisions of this Act with reference to the payment of interest and principal of bonds, redemption and payment thereof, investment of sinking and interest funds, levy of taxes for payment of principal and interest, maintenance of separate sinking and interest funds, and all other provisions of this Act which can be made applicable thereto, shall apply to all bonds heretofore lawfully issued by any county under any law or laws of this state, and which bonds shall be outstanding at the time this Act takes effect.

Repealing clause.

Section 34. **Repeal.** Sections 4614, 4615, 4616, 4617, 4619, 4620, 4621, 4622, 4623, 4624, 4652, 4653, 4654, 4655, 4656, 4658, 4693, 4694, 4695, 4696, 4697, 4699 and 4712 Revised Codes of Montana, 1921, Chapter 21 Montana Session Laws, 1923, and Chapters 84 and 99 Montana Session Laws, 1925, and all other Acts and parts of Acts

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in conflict with any of the provisions of this Act, are hereby repealed; provided, however, that the repeal of such sections, chapters, Acts and parts of Acts shall not in any manner invalidate or affect any bonds or obligations lawfully issued pursuant thereto; and provided further, that if any county has initiated bonding proceedings under the laws, or any thereof, hereby repealed, prior to the time this Act takes effect, and such bonding proceedings have not been completed, such proceedings may be completed and the bonds issued and sold in the manner provided by the laws under which the proceedings were initiated.

Section 35. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1931.

CHAPTER 189.

An Act to Promote the Development of the Montana Egg Industry; to Prohibit the Sale of Eggs Unfit for Human Food; to Prevent Deception in the Sale of Eggs; and to Encourage Greater Consumption Thereof by Regulating and Standardizing the Grading, Classification and Labeling of all Eggs Displayed for Sale; Providing Penalties for the Violation of the Provisions of this Act, and Repealing Sections 2585, 2634, 2635, 2636, 2637, 2638 and 2639 of the Revised Codes of Montana of 1921, Acts Amendatory Thereto, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person engaged in the business of buying, selling or dealing in eggs, other than those of own production, and those persons, firms or corporations who do not buy and sell more than an average of twenty-five (25) cases of eggs per month for any one year, shall obtain a license from the Commissioner of Agriculture for each establishment at which said business is conducted, and shall render to the Commissioner of Agriculture such reports as may be requested by said Commissioner. The fee for such licenses shall be Five Dollars ($5.00) for dealers buying eggs for resale, and

License for egg dealers.

Fees.

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Twenty Dollars ($20.00) for dealers buying eggs for resale at wholesale. The license shall be posted in a conspicuous place in each place of business. Such licenses shall expire March 31st each year after the date of issue.

Remittance to Department of Agriculture.

Section 2. All license fees shall be remitted to the Department of Agriculture, Dairy Division, who shall disburse them for the enforcement of this Act as provided in Section 10.

Place for testing.

Section 3. Every person engaged in the business of buying eggs intended for human consumption for resale shall maintain an adequate place for the proper candling and handling of same.

Candling.

Section 4. The term "candling" as used in this Chapter shall mean the careful examination in a partially dark room or place, of the whole egg by means of a strong light.

Buyers to candle.

Section 5. Every person buying eggs from the producer for resale except persons or corporations who do not sell to exceed twenty-five (25) cases of eggs in any one (1) month shall candle all eggs offered to him and shall refuse to buy eggs unfit for human food as defined in Section 6. "Rejects" shall be returned to the producer for his examination if possible, or, if requested, the candling shall be done in the presence of the producer. A certificate shall be placed on the top layer of

Certificate.

every case of candled eggs, stating the date of candling, by whom candled and license number of licensee. Such certificate shall be printed on cards or sheets of paper not smaller in size than 2⅜ x 4¼ inches.

Section 6. Eggs hereinafter defined shall be deemed unfit for human food:

What eggs are unfit.

(a) "Addled", or "white rot" means an egg that is putrid or rotten.

(b) "Moldy" means an egg which, through improper care, has deteriorated so that mold spores have formed within the egg.

(c) "Black spot" means an egg in which the yolk has become fastened to the shell.

(d) "Black rot" means an egg which has deteriorated to such an extent that the whole interior presents a blackened appearance.

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(e) "Blood ring" means an egg in which the germ has developed to such an extent that blood is formed.

(f) "Adherent yolk" means an egg in which the yolk has become fastened to the shell.

(g) "Incubated eggs" shall include eggs which have been subjected to incubation, whether natural or artificial, for more than forty-eight (48) hours, and it shall be unlawful to offer for sale incubated eggs unless branded or stamped with the word "incubated".

Section 7. All eggs imported into the State of Montana from other states or foreign countries shall be sold as such. The case or container in which they are shipped shall have the words "foreign eggs" or the word "eggs" preceded by the name of the country or state where produced, displayed thereon in letters two (2) inches high. All retailers of said eggs shall sell them from the container in which he received them and shall inform each purchaser that said eggs are foreign eggs. All restaurants, hotels, cafes, bakeries and confectioners using or serving foreign eggs in any form must place a sign in letters not less than four (4) inches in size in some conspicuous place where the customer entering their place of business can see it, to read: "We use Foreign Eggs" or the same words with the exception that the name of the country or state where the eggs were produced may be substituted for the term "foreign". Foreign eggs.

Section 8. It shall be unlawful for any person to sell, offer or expose for sale any eggs, for human consumption, other than those of his own production, without notifying the person or persons purchasing or intending to purchase the same, of the exact grade or quality and size or weight of such eggs, according to the standards prescribed by the Commissioner of Agriculture, by stamping or printing on the container of any such eggs, such grade or quality and size or weight, or in the case said eggs are offered for sale in bulk, without displaying in a conspicuous place at the point where such eggs are offered or exposed for sale, a placard or sign printed in letters two (2) inches high, giving such grade, quality, size and weight. Notice to purchaser.

Section 9. Every person other than the producer, and except persons or corporations who do not sell to exceed

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twenty-five (25) cases of eggs in any one (1) month, in selling eggs to a retailer shall furnish to such retailer an invoice showing the exact grade or quality of such eggs according to standards prescribed by the Commissioner of Agriculture.

Invoice to show grade of eggs.

Duty of Commissioner to enforce Act.

Section 10. It shall be the duty of the Commissioner of Agriculture to enforce the provisions of this Act and to make such rules and regulations as may be necessary for the enforcement of this Act.

Section 11. Every person failing to comply with the requirements of the Act as to license or violating any provisions of this Act shall be guilty of a misdemeanor, and upon conviction for the first offense shall be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than Seventy-five Dollars ($75.00). Upon conviction for the second or any subsequent violation of the foregoing provisions of the Act the violator shall be fined not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00), and, in addition thereto as part of the penalty imposed, the court may in its discretion authorize the State Commissioner of Agriculture to withhold, suspend or revoke the license of the party so convicted either permanently or for a limited time to be specified in the judgment.

Penalty for violation.

Repealing clause.

Section 12. Sections 2585, 2634, 2635, 2636, 2637, 2638 and 2639 of the Revised Codes of Montana of 1921, Acts amendatory thereto, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 17, 1931.

CHAPTER 190.

An Act to Provide for the Appointment of a Taxation and Consolidation Commission of the State of Montana; Defining its Powers and Duties and Making an Appropriation Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of Equalization to examine into present tax system for basic fiscal policy.

Section 1. The State Board of Equalization shall examine into the present system of taxation now in force in the State of Montana, together with any possible changes therein to the extent that a basic and fiscal pol-

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icy of taxation in the State of Montana necessary to provide a sufficient revenue to operate and maintain the State and various county and municipal governments may be established. The said Board shall also examine and inquire into the question of consolidating boards and departments in the State, county and municipal boards and governments, elimination of school districts and trustees, abolishing certain State, county and municipal offices to the extent that the costs of the operation of the various branches of government in Montana, including State, county, municipal and school districts, may be reduced and brought within the anticipated revenue to be derived from a fair and reasonable system and policy of taxation, and greater efficiency in the operation thereof may be secured, and for the purposes of this Act, any State, institutional, county or municipal officer or department, shall furnish to said Board such information relative to his office or department, including the method and cost of the operation thereof, as the Board may from time to time require or demand. That the Board shall recommend to the Legislature of the State of Montana which will convene in the year 1933, its findings and recommendations necessary to secure changes which in its opinion will tend to provide and establish a basic and fiscal policy of taxation, and such consolidation and changes in the State and various county and municipal governments and school districts and State institutions as will tend to reduce the present cost and expenses and preserve the efficiency of the operation thereof. Said commission shall also make recommendations relative to the advisability of either continuing the commission created hereby or appointing another like commission to make a further study of the matters covered by this Act.

Consolidating boards and departments.

Purpose of cutting down costs.

Officers to furnish information.

Make recommendations to Legislature on its findings.

To reduce present cost and expenses.

Section 2. The Board shall have power to employ such clerks and experts as it may deem necessary, and fix their compensations, and to authorize such travelling and other expenses of the Board and the members thereof or of its employees as in its judgment may be necessary, all such expenses, however, not to exceed the appropriation hereinafter made.

Power to employ clerks and experts.

Section 3. The Board may hold hearings when, where and as it may find necessary and may make by its own members or cause to be made, investigations in this State

Hearings may be held.

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or elsewhere in respect to the subjects which it is authorized to investigate.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 20, 1931.

CHAPTER 191.

An Act to Amend Section 6311 of the Revised Codes of Montana of 1921, as Amended by Chapter 84 of the Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929; Relating to Payment of Death Benefits to Beneficiaries in Benefit Certificates Issued by Fraternal Benefit Societies, and Providing Regulations Relative Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Fraternal benefit societies.

Section 1. That Section 6311 of the Revised Codes of Montana of 1921, as amended by Chapter 84 of the Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, be, and the same is hereby amended to read as follows:

To whom death benefits shall be confined.

Section 6311. The payment of death benefits shall be confined to wife, husband, relative by blood to the fourth degree, ascending or descending, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, children by legal adoption, parents by legal adoption, to a person or persons upon whom the member is dependent or to the member's estate if neither wife, husband, child or parent be living, and in any event to a trustee or trust company, or to a person or persons dependent upon the member; provided, that if after the issuance of the original certificate the member shall become dependent upon an incorporated charitable institution, he shall have the privilege, with the consent of the society, to make such institution his beneficiary.

Proviso.

May change beneficiary.

Within the above restrictions each member shall have the right to designate his beneficiary, and, from time to time, have the same changed in accordance with the laws, rules or regulations of the society, and no beneficiary shall have or obtain any vested interest in the said bene-

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fit until the same has become due and payable upon the death of the said member; provided, that any society may, by its laws, limit the scope of beneficiaries within the above classes.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 20, 1931.

CHAPTER 192.

An Act to Amend Section 6, of Chapter 109, Laws of 1927, Relating to the Standards of Gasoline Sold in Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6 of Chapter 109, Laws of 1927, be amended to read as follows:

Section 6. The standard of quality and strength for gasoline kept for sale or offered for sale within the State of Montana shall be as follows: Standard of quality and strength for gasoline.

The gasoline shall be free from water and suspended matter and the sulphur content shall not be over two-tenths (2/10) of one per centum (1%). Water and sulphur content.

CORROSION TEST: A clean copper strip shall not show more than extremely slight discoloration when submerged in the gasoline for three (3) hours at 122 degrees Fahrenheit. Corrosion test.

DISTILLATION RANGE: When ten per centum (10%) has been recovered in the receiver, the thermometer shall not read more than 80 degrees Centigrade (176 degrees Fahrenheit), nor less than 50 degrees Centigrade (122 degrees Fahrenheit); provided that for each per centum distillation loss less than four per centum (4%), the minimum ten per centum (10%) temperature requirements shall be lowered 3 degrees Centigrade (5.4 degrees Fahrenheit). Distillation range.

When fifty per centum (50%) has been recovered in the receiver, the thermometer shall not read more than 140 degrees Centigrade (284 degrees Fahrenheit). When 50% recovered.

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90%. When ninety per centum (90%) has been recovered in the receiver, the thermometer shall not read more than 200 degrees Centigrade (392 degrees Fahrenheit).

Endpoint. The endpoint shall not be higher than 225 degrees Centigrade (437 degrees Fahrenheit).

95% distillate. At least ninety-five per centum (95%) shall be recovered as distillate in the receiver from the distillation.

Repealing clause. Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 20, 1931.

CHAPTER 193.

An Act to Amend Section 2 of Chapter 108 of the Laws of the Twentieth Legislative Assembly of the State of Montana, Relating to the Limitation of the Amount and Extent of State Land Which May be Leased for Oil and Gas Purposes; and Providing for Drilling and Operating Agreements.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 108 of the Laws of the Twentieth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Oil and gas leases. Section 2. No person, association, corporation, or municipality shall acquire and at any one time hold, by original grant from the State, by assignment, or by operation of law, under the provisions of this Act, in the aggregate, more than six hundred and forty (640) acres of land, or a section of land as defined by the Public Land Survey of the United States containing approximately six hundred and forty (640) acres; provided, however, such maximum acreage may be so acquired and held under one or more oil and gas leases. Nothing herein contained shall be construed to prohibit the acquisition of any oil and gas lease by succession, will, judgment, decree, or otherwise by operation of law; provided, however, that any oil or gas lease so acquired by any person in excess of one (1) section of land shall automatically

640 acres.

Proviso.

Acquisition.

Proviso.

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terminate two (2) years after its acquisition unless the same shall theretofore have been assigned to a qualified assignee. All leases issued hereunder shall be granted for a period not exceeding five (5) years and as long thereafter, during the term of fifteen (15) years commencing with the date of such lease or leases, as oil or gas of commercial quality and in commercial quantity shall be produced from the land covered thereby; provided, however, that all drilling, rental and other obligations are fully kept and performed by the lessee.

Limit on acquisition.

Fifteen years.

Nothing herein contained shall be construed as applying to drilling or operating agreements made and entered into between a lessee, or lessees, a sub-lessee or sub-lessees or an assignee or assignees and a person, firm or corporation for the drilling and operation of lands included within one or more of such leases, but, on the contrary, any number of such leases and any amount of acreage may be included in one or more drilling or operating agreement; provided, however, that all such drilling or operating agreements shall be filed with and approved by the State Board of Land Commissioners before the same shall become effective.

Application to drilling or operating agreements.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 20, 1931.

CHAPTER 194.

An Act to Amend Sections 4026 and 4027 of the Revised Codes of Montana of 1921 as Amended by Sections 1 and 2 of Chapter 179 of the Session Laws of 1929 and Section 4038 of the Revised Codes of Montana of 1921 Defining Investment Companies and Securities, Providing for Notice of Application for Permits, Appeals From Decisions of the Investment Commissioner, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4026 of the Revised Codes of Montana of 1921 as amended by Section 1 of Chapter 179

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of the Laws of 1929 be, and the same is hereby amended to read as follows:

Definition of investment company.

"Section 4026. That name 'Investment Company' as used in this Act shall include: All domestic and foreign corporations, whether incorporated or unincorporated, associations, joint stock companies, partnerships, firms, trusts, common law companies, syndicates, pools, or any other form of organization or association organized or proposed to be organized, except as otherwise provided in this Act, who shall sell, attempt to sell, or negotiate for the sale of, or of taking subscriptions for any stock, bonds, units or shares, or contracts for the performance of personal services or the furnishing of materials in connection with the burial or cremation of dead human bodies, which contracts are to be performed at a future time determinable only by the death of the person in connection with whose decease said services are to be performed or materials furnished, contracts or agreements or securities of any kind or character, to any person or persons in the State of Montana. Investment Companies as herein defined, who have been engaged in the business of selling personal service contracts, as above defined, for more than 6 months prior to the effective date of this Act, upon filing their financial statements duly verified and sworn to as of March 1st, 1931, and paying of filing fees required therefor, shall have authority to continue to sell such contracts for not longer than ninety days from the effective date hereof, provided, however, nothing herein shall be construed as preventing the Investment Commissioner from revoking any such authority, in like manner and for like cause as licenses or permits are revoked by him."

Those already engaged.

Proviso.

Section 2. That Section 4027 of the Revised Codes of Montana of 1921 as amended by Section 2 of Chapter 179 of the Laws of 1929 be, and the same is hereby amended to read as follows:

Definition of securities.

"Section 4027. The term 'Securities' as used in this Act shall be taken to mean shares, bonds, debentures, evidence of indebtedness, certificates of interest or participation, certificates of interest in profit sharing agreement, collateral trust, certificates contracts, diversified trustee shares, fixed investment trusts, selected shares corporations, investment contracts, or contracts for the

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performance of personal services or the furnishing of materials in connection with the burial or cremation of dead human bodies which contracts are to be performed at a future time determinable only by the death of the person in connection with whose decease said services are to be performed or materials furnished, contracts or agreements or any other instrument commonly known as a security."

Section 3. That Section 4038 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 4038. Any interested person, who has appeared, co-partnership, association or corporation being dissatisfied with any finding, findings or decision of the Commissioner made in accordance with the provisions of this Act, may within thirty days from the making thereof, commence an action in any court of competent jurisdiction against said Commissioner as defendant, to vacate and set aside said finding, findings or decision, on the ground that the said findings or decision are unjust or unreasonable. The rules of pleading and procedure in such action shall be the same as are provided by law for the trial of equitable actions in the district courts of this state and on the hearing the judge of said court may set aside, modify or confirm said findings or decision as the evidence and the rules or equity may require. Appeals may be taken from the decision of the district court to the Supreme Court by either party in the same manner as is provided by law in other civil actions. Pending any such action, the said findings or decision of said Commissioner shall be prima facie evidence that they are just and reasonable and that the facts found are true, and pending any such action the said findings or decision of the Commissioner shall remain in full force and effect. If no action be brought to set aside said findings or decision within thirty days, the same shall become final and binding.

Action to vacate finding.

Rules of pleading and procedure.

Appeals.

Findings of Commissioner prima facie pending action.

Provided, however, that the original application with reference to which an appeal is herein provided for shall not be heard by the Investment Commissioner until notice of hearing on the same has been published in some newspaper published at the capital city daily, in at least seven issues of such paper, and provided further, that upon

Proviso.

Publication of notice.

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such hearing on the original application, any person, copartnership, association or corporation interested in or opposed to said application may appear."

Repealing clause.

Section 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 20, 1931.

CHAPTER 195.

An Act Releasing Owners and Operators of Motor Vehicles From Responsibility for Damages or Injuries to Gratuitous Passengers; Providing such Passenger Assumes the Ordinary Negligence of such Owner or Operator; and Providing the Ordinary Negligence of such Owner or Operator is Imputed to such Passenger; Excepting Owners or Operators of Motor Vehicles Whose Gross Negligence or Reckless Operation was the Proximate Cause; and also Excepting Owners or Operators of such Vehicles for Hire or Which are being Demonstrated.

Be it enacted by the Legislative Assembly of the State of Montana:

Liability on owner to guest.

Section 1. The owner or operator of a motor vehicle shall not be liable for any damages or injuries to any passenger or person riding in said motor vehicle as a guest or by invitation and not for hire, nor for any damages to such passenger's or person's parent or guardian, unless damage or injury is caused directly and proximately by the grossly negligent and reckless operation by him of such motor vehicle.

Guest assumes ordinary negligence.

Section 2. Any person riding in a motor vehicle as a guest or by invitation and not for hire, assumes as between owner and guest the ordinary negligence of the owner or operator of such motor vehicle.

Ordinary negligence imputed.

Section 3. The ordinary negligence of the owner or operator of a motor vehicle as between owner and guest is imputed to any person riding in such vehicle as a guest or by invitation and not for hire.

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Not applicable to common carriers or demonstrations.

Section 4. This Act shall not relieve a public carrier or any owner or operator of a motor vehicle while the same is being demonstrated to the prospective purchaser of responsibility for any injury sustained by the passenger being transported by such public carrier or by such owner or operator.

Saving clause.

Section 5. If any section or clause of this Act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Act.

Repealing clause.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 20, 1931.

CHAPTER 196.

An Act Providing for the Employment of Prison Labor in the Manufacture of Common and Cement Sand Brick and for Construction and Repair of Buildings at the Montana State Prison; Providing for the Employment of State Hospital Inmates in the Manufacture of Cement Sand Bricks and for Construction and Repair of Buildings at the Montana State Hospital; and Providing Conditions and Places the State Board of Examiners Must use Such Brick.

Be it enacted by the Legislative Assembly of the State of Montana:

Labor of male prisoners in prison for making brick.

In charge of Warden.

Labor at Warm Springs.

Section 1. It is hereby made the duty of the Board of Prison Commissioners to use the labor of the male prisoners in the Montana State Prison for the manufacture of common brick and cement sand brick at Deer Lodge, Montana, said work to be in direct charge of the Warden of the State Prison and under the control and supervision of the State Board of Prison Commissioners; and it is hereby made the duty of the Board of Commissioners for the Insane to use the labor of the male inmates in the Montana State Hospital for the manufacture of cement sand brick at Warm Springs, Montana, said work to be in direct charge of the Superintendent of the

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Montana State Hospital and under the control and supervision of the Board of Commissioners for the Insane; and such brick except such face and trim brick as may be required must be used in the construction or repair of all buildings constructed or repaired by the State of Montana or under contracts let by it, at the Montana State Prison at Deer Lodge, the State Tuberculosis Sanitorium at Galen and the Montana State Hospital at Warm Springs, in all cases where the State Board of Examiners find that such brick can be used at a lower cost than if brick or other material purchased in the market was used.

Must be used in construction of State buildings when lower than costs of other brick.

Section 2. The Board of Prison Commissioners may use the labor of the male prisoners in the Montana State Prison for construction or repair of buildings at the Montana State Prison at Deer Lodge; and the Board of Commissioners for the Insane may use the labor of the male inmates in the Montana State Hospital for the construction and repair of buildings at the Montana State Hospital at Warm Springs, Montana.

Construction or repair of buildings at prison and hospital.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. An emergency is hereby declared to exist and this Act shall take force and effect from and after its passage and approval.

Approved March 20, 1931.

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

ENACTED BY THE

Twenty-second Legislative Assembly

STATE OF MONTANA

1931

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

HOUSE BILL NO. 2.

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Twenty-second Legislative Assembly; Per Diem to the Officers and Attaches and for Incidental Expenses of the Twenty-second Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of mileage and per diem to the members of the Twenty-second Legislative Assembly of the State of Montana, One Hundred Five Thousand Dollars..$105,000.00

For the payment of per diem to the officers and attaches of the Twenty-second Legislative Assembly of the State of Montana, Fifty Thousand Dollars.....$ 50,000.00

For the payment of incidental expenses of the Twenty-second Legislative Assembly of the State of Montana, Twenty Thousand Dollars .....$ 20,000.00

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved January 9, 1931.

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HOUSE BILL NO. 60.

An Act Appropriating Money for the Payment of the Claim of Catharine Crossland Smith as Compensation for Expenses Incurred by her Husband, the Late Robert B. Smith, While in the Performance of his Duties as Governor of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. THAT WHEREAS, the late Robert B. Smith, while in the performance of his duties as Governor of the State of Montana incurred certain expenses, in the sum of not less than Two Thousand Four Hundred Dollars ($2,400.00), paid from his personal funds and which have not heretofore been repaid by the State of Montana and which expenses constitute a valid claim against the State of Montana;

NOW, THEREFOR, there is hereby appropriated out of any moneys in the Treasury of the State of Montana, not otherwise appropriated, the sum of Two Thousand Four Hundred Dollars ($2,400.00) for the payment of said claim to Catharine Crossland Smith, the widow of said Robert B. Smith, and the State Treasurer is hereby authorized and directed to draw his warrants on the General Fund, monthly on the first day of each and every month, beginning with the month of July 1931, and ending with the month of June 1933, payable to the said Catharine Crossland Smith, each of said warrants to be in the amount of One Hundred Dollars, ($100.00). Provided that in the event of the death of Catharine Crossland Smith, said monthly payments shall cease immediately.

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved February 7, 1931.

HOUSE BILL NO. 61.

An Act Appropriating Money for the Payment of Claim of Andy Briscoe as Compensation or as a Pension, Due to Injuries Received While on Duty in the Service of the State of Montana as a Private in the Service Company, 163rd Infantry, Montana National Guard.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Five Hundred Sixty Dollars ($1,560.00), or so much thereof as may be necessary, be,

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and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying the claim of Andy Briscoe for compensation or as a pension, due for injuries received while on duty in the service of the State of Montana as a private in the Service Company, 163rd Infantry, Montana National Guard, at Helena, Montana, on the tenth day of June, 1925, the said compensation or pension being provided for by Section 1376 of the Revised Codes of Montana, 1921.

Section 2. That the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer, payable to the said Andy Briscoe, on the first day of each and every month subsequent to March 1, 1931, to and including the month of February, 1933, said monthly warrants to be in the sum of Sixty-five Dollars ($65.00).

Section 3. The money herein appropriated by the provision of this Act shall not be paid to the said Andy Briscoe, until the said Andy Briscoe shall have first filed with the State Board of Examiners a release of that part of his said claim which shall have accrued from the date of the said accident until the first day of March, 1931.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1931.

HOUSE BILL NO. 80.

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the District Judges' Expense.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the District Judges' Expense.

For obligations incurred by the District Judges' expense, Three Hundred Twenty-two and 69/100 Dollars....$ 322.69

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More particularly itemized as follows:

Asa L. Duncan	$ 27.41
Lyman H. Bennett	128.70
G. J. Jeffries	99.40
Theodore Lentz	31.62
John C. Huntoon	25.96
Frank P. Leiper	9.60

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1931.

HOUSE BILL NO. 81.

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising from the Transportation of Prisoners to the Montana State Prison at Deer Lodge, Montana, and for the Transportation of Fugitives from Justice to Points Within the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims for obligations incurred by the State of Montana, and for which no appropriations now exist:

For an obligation incurred to Peter Matthies, Sheriff of Stillwater County, Montana, the obligation was assigned to said Stillwater County, Montana, for the transportation of Andy Pellitier, and Thomas Pearson, two prisoners, from Columbus, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about June 22, 1929, Sixty-one and 41/100 Dollars ($61.41).

For an obligation incurred to Bert Howard, Sheriff of Yellowstone County, Montana, for the transportation of Wong Pong, a prisoner, from Billings, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about June 22, 1929, Forty and 63/100 Dollars ($40.63).

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For an obligation incurred to G. T. O'Brien, Sheriff of Richland County, Montana, for the transportation of Daniel J. Clapper, a prisoner, from Sidney, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about March 20, 1929, Seventy-nine and 66/100 Dollars ($79.66).

For an obligation incurred to L. W. Clark, Sheriff of Wheatland County, Montana, for the transportation of Elmer Hinchey, a prisoner, from Harlowton, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about June 29, 1929, Twenty-seven and 45/100 Dollars ($27.45).

For an obligation incurred to R. J. Croff, Sheriff of Glacier County, Montana, for the transportation of Arthur Carter, a prisoner, from Cut Bank, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about June 21, 1929, Fifty-five and 99/100 Dollars ($55.99).

For an obligation incurred to G. W. Fleming, Sheriff of Blaine County, Montana, for the transportation of James Maloney, a prisoner, from Chinook, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about June 26, 1929, Forty-six and 63/100 Dollars ($46.63).

For an obligation incurred to A. B. McLeod, Sheriff of Silver Bow County, Montana, for the transportation of Dong Yann, a prisoner, from Butte, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about June 4, 1929, Five and 91/100 Dollars ($5.91).

For an obligation incurred to A. B. McLeod, Sheriff of Silver Bow County, Montana, for the transportation of G. Camp, and James Lucas, two prisoners, from Butte, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about June 8, 1929, Eleven and 82/100 Dollars ($11.82).

For an obligation incurred to A. B. McLeod, Sheriff of Silver Bow County, Montana, for the transportation of Romeo Gingras, and Harry Parks, two prisoners, from Butte, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about June 20, 1929, Eleven and 82/100 Dollars ($11.82).

For an obligation incurred to Lake County, Montana, (travel expense of W. H. Needham, Sheriff of Lake County, Montana, and paid in error by Lake County, Montana), for the transportation of Mrs. Lester Zorb alias Marie Mitchell, a prisoner, from Arlee, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about July 2, 1927, Ten and 71/100 Dollars ($10.71).

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For an obligation incurred to Lake County, Montana, (travel expense of W. H. Needham, Sheriff of Lake County, Montana, and paid in error by Lake County, Montana), for the transportation of Louie Matt, a prisoner, from Polson, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about March 25, 1928, Twelve and 18/100 Dollars ($12.18).

For an obligation incurred to Lake County, Montana, (travel expense of W. H. Needham, Sheriff of Lake County, Montana, and paid in error by Lake County, Montana), for the transportation of Sidney Silas Smith, a prisoner, from Polson, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about December 9, 1928, Eighteen and 72/100 Dollars ($18.72).

For an obligation incurred to C. E. Sharp, Sheriff of Missoula County, Montana, for the transportation of Ray Van Horn and James Brown, two prisoners, from Missoula, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about June 21, 1929, Twelve and 18/100 Dollars ($12.18).

For an obligation incurred to C. E. Sharp, Sheriff of Missoula County, Montana, for the transportation of Gilbert Burland, a prisoner, from Missoula, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about June 24, 1929, Eight and 61/100 Dollars ($8.61).

For an obligation incurred to C. E. Sharp, Sheriff of Missoula County, Montana, for the transportation of W. Edward Prall, a prisoner, from Missoula, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about June 22, 1929, Ten and 11/100 Dollars ($10.11).

For an obligation incurred to Ravalli County, Montana, (travel expense of J. S. Stokes, Sheriff of Ravalli County, Montana, and paid in error by Ravalli County, Montana), for the transportation of Clinton Blair, a prisoner, from Hamilton, Montana, to the Montana State Prison at Deer Lodge, Montana, on or about June 28, 1929, Eighteen and 43/100 Dollars ($18.43).

For an obligation incurred to the Estate of Bert Howard, former Sheriff of Yellowstone County, Montana, incurred by woman deputy in connection with the case of the State of Montana in returning Ella Dinsdale and Marion Fleming, from Chicago, Illinois, to Yellowstone County, Montana, on or about May 10, 1930, as fugitives from justice from the State of Montana, One Hundred and Ninety and 66/100 Dollars ($190.66).

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Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1931.

SUBSTITUTE HOUSE BILL NO. 88.

An Act Appropriating Money for the Payment of Certain Obligations Incurred on Behalf of the Blackfoot Forest Protective Association, Bonner, Montana, on Account of Fire Suppression During the Years 1929 and 1930.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seventeen Thousand Nine Hundred Twenty-one and 77/100 Dollars ($17,921.77), be, and the same is hereby appropriated out of any moneys now in the State Treasury, not otherwise appropriated for the payment of certain obligations incurred on behalf of the Blackfoot Forest Protective Association, Bonner, Montana, on account of forest fire suppression during the years 1929 and 1930.

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1931.

HOUSE BILL NO. 95.

An Act to Appropriate Money for the Payment of Certain Claims Arising from the Operation of Certain State Departments Since July 1, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums of money or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying the following claims for obligations in-

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curred by certain State Departments since July 1, 1927, and for which no appropriation now exists:

For refund by the Secretary of State by reason of duplicate payment for certified copy of House Bill No. 197 of the laws of 1929, by the City of Anaconda, Three and 60/100 Dollars ..... $ 3.60

For the claims for advertising in connection with the State Board of Pardons in connection with publication of notices of hearings on petitions for pardons, Fifteen Dollars ..... $ 15.00,

the same being more particularly itemized as follows:

Shelby Promoter	$7.50
Ekalaka Eagle	7.50

Section 2. That the appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1931.

HOUSE BILL NO. 101.

An Act Appropriating Money for the Restoration of Fort Owen, Designating the Same as a Memorial and Authorizing a Commission to Administer the Appropriation Therein Provided.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Dollars ($1,000.00), or so much thereof as is necessary, be, and the same is hereby appropriated, out of any money in the Treasury of the State of Montana, not otherwise appropriated, for the purpose of restoring Fort Owen.

Section 2. That Fort Owen, situated about one-half (½) mile north of the Town of Stevensville, Ravalli County, Montana, is hereby designated and its restoration authorized, as a memorial and historical monument, commemorating the coming of the first missionaries to the Indians and the beginning of agriculture and civilization in Montana.

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Section 3. That a commission of three (3) persons be appointed by the Governor of the State of Montana to supervise the restoration of Fort Owen and administer the expenditure of moneys herein appropriated. Such commission shall have the power and it shall be their duty to execute the intent of this Act and they shall have the power to make all necessary contracts relative thereto not exceeding in cost the sum herein appropriated; provided, that all claims made hereunder shall be approved by the State Board of Examiners before paid.

Section 4. The members of the commission appointed hereunder shall serve without compensation other than reimbursement for actual and necessary expenses incurred in the discharge of their duties.

Section 5. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Section 7. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 16, 1931.

HOUSE BILL NO. 107.

An Act to Appropriate Money for the Operation and Maintenance, and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus and Commissions for the Period Beginning July 1, 1931, and Ending June 30, 1933.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any money in the State Treasury and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1931, and ending June 30, 1932.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For Salaries, Twelve Thousand Five Hundred Dollars..$ 12,500.00

For Capital and Repairs, One Hundred Dollars.....$ 100.00

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For Requisitions, Six Thousand Dollars.....$ 6,000.00

For Other Operation, One Thousand One Hundred Seventy-Five Dollars .....$ 1,175.00

GOVERNOR'S MANSION

For Operation and Maintenance, Four Thousand Eighty Dollars .....$ 4,080.00

ATTORNEY GENERAL

FROM THE GENERAL FUND

For Salaries, Twenty-Three Thousand Dollars.....$ 23,000.00

For Capital and Repairs, Three Hundred Dollars.....$ 300.00

For Other Operation, Two Thousand Eight Hundred Dollars .....$ 2,800.00

FARM LOAN DIVISION

For Salaries, Six Thousand Dollars.....$ 6,000.00

For Other Operation, Nine Hundred Dollars.....$ 900.00

FROM LAW ENFORCEMENT FUND

All income necessary to pay the expenses in connection with law enforcement, as provided by law.

SECRETARY OF STATE

FROM THE GENERAL FUND

For Salaries, Fourteen Thousand Four Hundred Dollars .....$ 14,400.00

For Capital and Repairs, One Hundred Fifty Dollars..$ 150.00

For Other Operation, One Thousand Two Hundred Dollars .....$ 1,200.00

For Election Expenses, Publishing Constitutional Amendments, Initiative and Referendum Measures, Printing and Binding Election Books and Publicity, Three Thousand Five Hundred Dollars.....$ 3,500.00

STATE TREASURER

FROM THE GENERAL FUND

For Salaries, Fifteen Thousand Dollars.....$ 15,000.00

For Capital and Repairs, Four Hundred Dollars.....$ 400.00

For Other Operation, Two Thousand Seven Hundred Seventy-Five Dollars .....$ 2,775.00

For Printing Treasurer's Report, Two Thousand Dollars .....$ 2,000.00

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STATE AUDITOR

FROM THE GENERAL FUND

AUDITOR'S DIVISION

For Salaries, Twelve Thousand Three Hundred Dollars ..... $ 12,300.00

For Capital and Repairs, Six Hundred Dollars ..... $ 600.00

For Other Operation, Two Thousand Nine Hundred Seventy-Five Dollars ..... $ 2,975.00

INSURANCE DIVISION

For Salaries, Ten Thousand Eight Hundred Dollars .... $ 10,800.00

For Capital and Repairs, Twenty-Five Dollars ..... $ 25.00

For Other Operation, Five Thousand Six Hundred Fifty Dollars ..... $ 5,650.00

INVESTMENT DIVISION

For Salaries and Expenses, Four Thousand Nine Hundred Fifty Dollars ..... $ 4,950.00

FIRE MARSHAL

FROM THE FIRE MARSHAL FUND

So much thereof as may be necessary to pay all lawful claims for the Fire Marshal's Department.

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the Firemen's Disability Fund, as provided in Section 5127, Revised Codes of Montana, 1921, an appropriation sufficient to meet the requirements as provided by law.

FROM HIGHWAY FUND

For the Salary of one Clerk in the Auditor's Division, Three Thousand Two Hundred Forty Dollars ..... $ 3,240.00

For Supplies and Expenses, Three Thousand Dollars .... $ 3,000.00

SUPERINTENDENT OF PUBLIC INSTRUCTION

FROM THE GENERAL FUND

For Salaries, Ten Thousand One Hundred Dollars ..... $ 10,100.00

For Capital and Repairs, One Hundred Seventy Dollars ..... $ 170.00

For Other Operation, Six Thousand Nine Hundred Forty Dollars ..... $ 6,940.00

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For Salaries and Expenses of High School and Rural School Inspectors, Nine Thousand Nine Hundred Dollars ..... $ 9,900.00

FROM THE TEACHERS' CERTIFICATE FUND

So much thereof as may be necessary to pay all lawful claims to carry out the provisions of Chapter 86 of the Revised Codes of Montana, 1921.

SUPREME COURT

FROM THE GENERAL FUND

For Salaries, Forty-Nine Thousand Seven Hundred Eighty Dollars ..... $ 49,780.00

For Capital and Repairs, Two Hundred Fifty Dollars.. $ 250.00

For Other Operation, Four Thousand Five Hundred Forty Dollars ..... $ 4,540.00

FROM ATTORNEYS' LICENSE FUND

All fees and collections as may be found necessary in carrying out the provisions of Section 8936 to 8974 of the Revised Codes of Montana, 1921.

SALARIES AND EXPENSES OF DISTRICT JUDGES

FROM THE GENERAL FUND

For Salaries and Expenses of District Judges, One Hundred Fifty-four Thousand Dollars $154,000.00

SALARIES OF COUNTY ATTORNEYS

FROM THE GENERAL FUND

For Salaries of County Attorneys, Fifty-Two Thousand Dollars ..... $ 52,000.00

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the transportation of prisoners, Nine Thousand Dollars ..... $ 9,000.00

PUBLIC SCHOOL TEACHERS' RETIREMENT

FROM THE PUBLIC SCHOOL TEACHERS' RETIREMENT FUND

So much thereof as may be necessary to carry out the provisions of Chapter 150, of the Twentieth Legislative Assembly.

Section 2. That the following sums or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any money in the State Treasury and from special

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funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1932, and ending June 30, 1933.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For Salaries, Twelve Thousand Five Hundred Dollars..$ 12,500.00

For Capital and Repairs, One Hundred Dollars.....$ 100.00

For Requisitions, Six Thousand Dollars.....$ 6,000.00

For Other Operation, One Thousand One Hundred Seventy-Five Dollars .....$ 1,175.00

GOVERNOR'S MANSION

For Operation and Maintenance, Four Thousand Eighty Dollars .....$ 4,080.00

ATTORNEY GENERAL

FROM THE GENERAL FUND

For Salaries, Twenty-Three Thousand Dollars.....$ 23,000.00

For Capital and Repairs, Three Hundred Dollars.....$ 300.00

For Other Operation, Four Thousand Eighty Dollars....$ 4,080.00

FARM LOAN DIVISION

For Salaries, Six Thousand Dollars.....$ 6,000.00

For Other Operation, Nine Hundred Dollars.....$ 900.00

FROM LAW ENFORCEMENT FUND

All income necessary to pay the expenses in connection with law enforcement, as provided by law.

SECRETARY OF STATE

FROM THE GENERAL FUND

For Salaries, Fourteen Thousand Four Hundred Dollars .....$ 14,400.00

For Capital and Repairs, One Hundred Fifty Dollars....$ 150.00

For Other Operation, Twelve Hundred Dollars.....$ 1,200.00

For Election Expenses, Publishing Constitutional Amendments, Initiative and Referendum Measures, Printing and Binding Election Books and Publicity, Twelve Thousand Eight Hundred Fifty Dollars.....$ 12,850.00

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STATE TREASURER

FROM THE GENERAL FUND

For Salaries, Fifteen Thousand Dollars.....$ 15,000.00

For Capital and Repairs, Four Hundred Dollars.....$ 400.00

For Other Operation, Two Thousand Seven Hundred Seventy-Five Dollars .....$ 2,775.00

For Printing Treasurer's Report, Two Thousand Dollars .....$ 2,000.00

STATE AUDITOR

FROM THE GENERAL FUND

AUDITOR'S DIVISION

For Salaries, Twelve Thousand Three Hundred Dollars .....$ 12,300.00

For Capital and Repairs, Six Hundred Dollars.....$ 600.00

For Other Operation, Two Thousand Nine Hundred Seventy-Five Dollars .....$ 2,975.00

INSURANCE DIVISION

For Salaries, Ten Thousand Eight Hundred Dollars....$ 10,800.00

For Other Operation, Five Thousand Six Hundred Fifty Dollars .....$ 5,650.00

INVESTMENT DIVISION

For Salaries and Expenses, Four Thousand Nine Hundred Fifty Dollars .....$ 4,950.00

FIRE MARSHAL

FROM THE FIRE MARSHAL'S FUND

So much thereof as may be necessary to pay all lawful claims for the Fire Marshal's Department.

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the Firemen's Disability Fund, as provided in Section 5127, Revised Codes of Montana, 1921, an appropriation sufficient to meet the requirements as provided by law.

FROM HIGHWAY FUND

For the Salary of one Clerk in the Auditor's Division, Three Thousand Four Hundred Forty Dollars.....$ 3,440.00

For Supplies and Expenses, Three Thousand Dollars....$ 3,000.00

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SUPERINTENDENT OF PUBLIC INSTRUCTION

FROM THE GENERAL FUND

For Salaries, Ten Thousand One Hundred Dollars.....$ 10,100.00

For Capital and Repairs, One Hundred Seventy Dollars .....$ 170.00

For Other Operation, Six Thousand Nine Hundred Forty Dollars .....$ 6,940.00

For Salaries and Expenses of High School and Rural School Inspectors, Nine Thousand Nine Hundred Dollars .....$ 9,900.00

FROM THE TEACHERS' CERTIFICATE FUND

So much thereof as may be necessary to pay all lawful claims to carry out the provisions of Chapter 86 of the Revised Codes of Montana, 1921.

SUPREME COURT

FROM THE GENERAL FUND

For Salaries, Forty-Nine Thousand Seven Hundred Eighty Dollars .....$ 49,780.00

For Capital and Repairs, Two Hundred Fifty Dollars....$ 250.00

For Other Operation, Four Thousand Five Hundred Forty Dollars .....$ 4,540.00

FROM ATTORNEYS' LICENSE FUND

All fees and collections as may be found necessary in carrying out the provisions of Section 8936 to 8974 of the Revised Codes of Montana, 1921.

SALARIES AND EXPENSES OF DISTRICT JUDGES

FROM THE GENERAL FUND

For Salaries and Expenses of District Judges One Hundred Thirty-Four Thousand Dollars.....$134,000.00

SALARIES OF COUNTY ATTORNEYS

FROM THE GENERAL FUND

For Salaries of County Attorneys, Fifty-Two Thousand Dollars .....$ 52,000.00

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the transportation of prisoners, Nine Thousand Dollars .....$ 9,000.00

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PUBLIC SCHOOL TEACHERS' RETIREMENT

FROM THE PUBLIC SCHOOL TEACHERS' RETIREMENT FUND

So much thereof as may be necessary to carry out the provisions of Chapter 150, of the Twentieth Legislative Assembly.

Section 3. Provided, further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 4. Provided that no capital outlay shall be made from any appropriation herein, except such items as are specifically enumerated in a list approved by the Legislature for items over Two Hundred Fifty Dollars ($250.00), which list shall be filed with the State Board of Examiners, as the guide for capital expenditures for the several Departments, Boards, and Institutions, to be paid from the appropriations listed herein as "Capital and Repairs".

Section 5. Appropriations herein contained shall not be used for travel for conventions, teachers' meetings, association meetings or gatherings of like character, where said meetings are held outside the State of Montana, save and except that no provision contained in this Section shall be construed to prevent the Governor of Montana from personally attending any meetings outside the State of Montana that he shall deem necessary in the interests of the people and Government of the State of Montana.

Section 6. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 9, 1931.

HOUSE BILL NO. 142.

An Act Appropriating Money for the Payment of the Claim of Russel O. Hagen as Compensation or as a Pension for Injuries Received While on Duty in the Service of the State of Montana as a Private in Company E, 163rd Infantry, Montana National Guard, and Providing for the Method of Paying the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Thousand Six Hundred and Twenty-One Dollars and Sixty-Seven Cents ($2,621.67) or so much thereof as may be necessary, be, and the same is hereby appro-

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priated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying the claim of Russel O. Hagen for compensation or as a pension for injuries received while on duty in the service of the state as a private in Company E, 163rd Infantry, Montana National Guard, at Culbertson, Montana, on the 17th day of October 1928; and said compensation or pension being provided for by Section 1376 of the Revised Codes of Montana of 1921.

Section 2. That the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer, payable to the said Russel O. Hagen in the sum of One Thousand Four Hundred Twenty-One Dollars and Sixty-Seven Cents ($1,421.67) as a lump sum payment of the compensation from the date of the said accident to March 1, 1931; and the said State Auditor is further authorized and directed to draw warrants on the State Treasurer payable to the said Russel O. Hagen, on the first day of each and every month subsequent to March 1, 1931, to and including the month of February, 1933, said warrants to be in the amount of Fifty Dollars ($50.00).

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 4. Due to the time of permit, this Act is hereby deemed and declared an Emergency Act, which shall be in full force and effect from and after its passage and approval.

Approved February 26, 1931.

HOUSE BILL NO. 153.

An Act to Appropriate Money From the Industrial Accident Fund of the State of Montana for the Payment of the Compensation Claim of Charlotte H. Barnes, Which Claim was Disallowed by the Industrial Accident Board Because it Was Not Presented Within Six (6) Months From the Date of the Happening of the Accident.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Thousand Dollars ($6,000.00) is hereby appropriated out of any moneys in the Industrial Accident Fund of the State of Montana for the payment of the compensation claim of Charlotte H. Barnes of Lewis & Clark County, Montana, which claim was not presented within six (6) months from the

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date of the happening of the accident. In addition thereto there is hereby appropriated from said fund the sum of One Hundred Fifty Dollars ($150.00) for burial expenses; provided, however, that said money shall not be paid to Charlotte H. Barnes until the said Industrial Accident Board shall have made a full and complete investigation of said compensation claim and the said Board shall not pay said money of said compensation claim or any part thereof unless the said Industrial Board shall find, after a full and complete investigation that the said compensation claim of said Charlotte H. Barnes would have been a just and valid claim against the Industrial Accident Board had the same been presented within the time prescribed by law. In the event the Industrial Accident Board makes a finding that the said compensation claim would have been valid had it been filed within such time, the said Board is hereby authorized and empowered to pay the said compensation claim of Charlotte H. Barnes, in accordance with the Compensation Law.

Section 2. This Act shall be in full force and effect after its passage and approval.

Approved February 26, 1931.

HOUSE BILL NO. 163.

An Act Appropriating Money in Satisfaction and Settlement of the Claim of John H. Gillis for Injuries Sustained by Him Upon Project No. 242B of the State Highway Commission of the State of Montana and Directing the State Auditor to Draw his Warrant upon the State Highway Fund Therefor in Settlement of Said Claim Upon Payment of Said Warrant.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand One Hundred Eighteen and 90/100 Dollars ($1,118.90) or so much thereof as may be necessary be and the same is hereby appropriated out of any moneys in the State Highway Fund of the State of Montana for the payment of the claim of John H. Gillis of Butte, Montana, for injuries sustained by him upon Project No. 242B of the State Highway Commission.

Section 2. The State Auditor of the State of Montana is hereby directed to draw his warrant in favor of the said John H. Gillis in the sum of One Thousand One Hundred Eighteen and 90/100 Dol-

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lars ($1,118.90) upon the State Highway Fund, and upon the acceptance of said warrant and full payment thereof, the claim of said John H. Gillis against the State of Montana shall be fully and completely satisfied, settled and discharged, provided, however, that before the State Auditor delivers said warrant, the said John H. Gillis shall execute and deliver to the State of Montana a full and complete release of all claims, present or prospective, against the State of Montana.

Section 3. Appropriation herein above provided for shall be deemed, and held valid notwithstanding the provisions of the Budget Act.

Approved March 2, 1931.

HOUSE BILL NO. 164.

An Act to Appropriate Money from the Industrial Accident Fund of the State of Montana for Payment of Compensation on the Claim of Mrs. Howard Danford, Which Claim was Disallowed by the Industrial Accident Board Because it was not Presented Within Six (6) Months Following the Date of the Accident Resulting in the Death of Her Husband, Howard Danford.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Thousand Dollars ($6,000.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Industrial Accident Fund of the State of Montana for payment of the claim of Mrs. Howard Danford, of Silesia, Carbon County, Montana, for the death of her husband, Howard Danford, of the same place, which claim was disallowed by the Industrial Accident Board because said claim was not presented within six (6) months from the date of the happening of the accident, resulting in the death of her husband, Howard Danford; provided, however, that before said money shall be paid to said Mrs. Howard Danford, that the said Industrial Accident Board shall investigate and determine the validity of said claim, and if said Board shall find that said claim of Mrs. Howard Danford would have been a just and valid claim in the sum of Six Thousand Dollars ($6,000.00), or any lesser amount, had the same been presented in time, then, the said Board shall allow, not to exceed Six Thousand Dollars ($6,000.00).

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Section 2. The Industrial Accident Board is hereby authorized to pay out of the Industrial Accident Fund to the said Mrs. Howard Danford the said amount.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved February 26, 1931.

HOUSE BILL NO. 190.

An Act to Appropriate Money for the Operation and Maintenance, and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus and Commissions for the Period Beginning July 1, 1931, and Ending June 30, 1933.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any money in the State Treasury and from Special Funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1931, and ending June 30, 1932.

STATE LAW LIBRARY

FROM THE GENERAL FUND

For Salaries, Four Thousand Three Hundred Dollars....$ 4,300.00

For Capital and Repairs, One Hundred Thirty-Five Dollars .....$ 135.00

For Other Operating Expenses, Three Hundred Fifteen Dollars .....$ 315.00

FROM THE LAW LIBRARY BOOK FUND

So much thereof as may be necessary for the purchase of Law Books as provided in Section 1556, Revised Codes of Montana, 1921.

HISTORICAL SOCIETY

FROM THE GENERAL FUND

For Salaries, Four Thousand Two Hundred Dollars.....$ 4,200.00

For Capital and Repairs, Six Hundred Seventy-Five Dollars .....$ 675.00

For Other Operating Expenses, Five Hundred Forty Dollars .....$ 540.00

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BOARD OF EXAMINERS

FROM THE GENERAL FUND

For Salaries, Eight Thousand Five Hundred Twenty Dollars ..... $ 8,520.00

For Capital and Repairs, Two Hundred Dollars..... $ 200.00

For Other Operating Expenses, One Thousand Five Hundred Dollars ..... $ 1,500.00

BOARD OF EQUALIZATION

FROM THE GENERAL FUND

For Salaries for three (3) Commissioners, Fifteen Thousand Dollars ..... $ 15,000.00

For Salary for one (1) Secretary, Three Thousand Six Hundred Dollars ..... $ 3,600.00

For Salary for one (1) Assistant Secretary, Three Thousand Dollars ..... $ 3,000.00

For Salary for one (1) Corporation License Tax Auditor, Two Thousand Seven Hundred Dollars..... $ 2,700.00

For Salary for one (1) Field Man, Two Thousand Four Hundred Dollars ..... $ 2,400.00

For Salary for one (1) Chief Stenographer, Two Thousand One Hundred Dollars ..... $ 2,100.00

For Salary for two (2) Assistant Stenographers, Three Thousand Dollars ..... $ 3,000.00

For Capital and Repairs, Three Hundred Dollars..... $ 300.00

For Other Operating Expense, Six Thousand Dollars.... $ 6,000.00

From the Highway Fund in connection with the collection of Gasoline Tax and Gasoline Drawbacks.

For Salaries, Fifteen Thousand Dollars..... $ 15,000.00

For Capital and Repairs, One Thousand Dollars..... $ 1,000.00

For Other Operating Expenses, Five Thousand Six Hundred Dollars ..... $ 5,600.00

FROM THE GASOLINE DRAWBACK FUND

So much thereof as may be necessary to pay all lawful claims presented for refunds.

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STATE EXAMINER

FROM THE GENERAL FUND

For Salaries, Thirty-Seven Thousand Three Hundred Eighty Dollars ..... $ 37,380.00

For Capital and Repairs, Four Hundred Dollars..... $ 400.00

For Other Operating Expenses, Fourteen Thousand Dollars ..... $ 14,000.00

FROM SPECIAL EXAMINERS FUND

All fees and earnings accruing from Special Examinations to be used for the work of the department.

ADJUTANT GENERAL

FROM THE GENERAL FUND

For Salaries, Seven Thousand Seven Hundred Dollars.. $ 7,700.00

For Capital and Repairs, Four Hundred Fifty Dollars.. $ 450.00

For Other Operating Expenses, Twenty-One Thousand Eighty Dollars ..... $ 21,080.00

G. A. R. CUSTODIAN

FROM THE GENERAL FUND

For Salary of Custodian, One Thousand Eighty Dollars ..... $ 1,080.00

BOARD OF ARCHITECTURAL EXAMINERS

FROM THE ARCHITECTURAL BOARD FUND

All fees and earnings to carry out the provisions of Chapter 230, Revised Codes of Montana, 1921.

BOARD OF EMBALMERS EXAMINERS

FROM THE EMBALMERS LICENSE FUND

All fees and earnings to carry out the provisions of Section 2456, Revised Codes of Montana, 1921.

BOARD OF MEDICAL EXAMINERS

FROM THE MEDICAL BOARD FUND

All fees and earnings as provided in Chapter 223, Revised Codes of Montana, 1921.

BOARD OF CHIROPRACTIC EXAMINERS

FROM THE CHIROPRACTIC EXAMINERS' FUND

All fees and collections for the carrying out of the provisions of Chapter 225, Revised Codes of Montana, 1921.

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STATE PURCHASING AGENT

FROM THE GENERAL FUND

For Salaries, Eight Thousand Five Hundred Ninety Dollars ..... $ 8,590.00

For Capital and Repairs, One Hundred Fifty Dollars.... $ 150.00

For Other Operation, One Thousand Two Hundred Sixty Dollars ..... $ 1,260.00

FROM THE HIGHWAY FUND

For Salaries, Four Thousand Two Hundred Ninety-Five Dollars ..... $ 4,295.00

For Capital and Repairs, Seventy-Five Dollars..... $ 75.00

For Other Operation, Six Hundred Thirty Dollars..... $ 630.00

FROM UNIVERSITY MILLAGE FUND

For Salaries, Four Thousand Two Hundred Ninety-Five Dollars ..... $ 4,295.00

For Capital and Repairs, Seventy-Five Dollars..... $ 75.00

For Other Operation, Six Hundred Thirty Dollars..... $ 630.00

ORTHOPEDIC COMMISSION

FROM THE GENERAL FUND

For Operation and Maintenance, Thirteen Thousand Two Hundred Dollars ..... $ 13,200.00

MOTOR VEHICLE DEPARTMENT

FROM THE MOTOR VEHICLE FUND

So much thereof as may be necessary to pay all lawful claims, to be paid from the Motor Vehicle Fund.

ATHLETIC COMMISSION

FROM THE VETERANS MEMORIAL FUND

So much thereof as may be necessary to pay all lawful claims of the Athletic Commission in carrying out the Law which pertains thereto.

BOARD OF ENTOMOLOGY

FROM THE GENERAL FUND

For Salaries, Nine Thousand One Hundred Seventy-Five Dollars ..... $ 9,175.00

For Capital and Repairs, Seven Hundred Fifty Dollars ..... $ 750.00

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For Other Operating Expenses, Three Thousand One Hundred Thirty-Five Dollars ..... $ 3,135.00

For Woodtick Parasite Work, Ten Thousand One Hundred Sixty Dollars ..... $ 10,160.00

FROM THE REVOLVING FUND

So much thereof as may be necessary in the operation of the Entomology Laboratory.

STATE ENTOMOLOGIST

FROM THE GENERAL FUND

For Supplies and Expenses in the Operation and Maintenance of the office of the State Entomologist in accordance with Section 916, Revised Codes of Montana, 1921, Five Hundred Dollars ..... $ 500.00

STATE ENGINEER

FROM THE GENERAL FUND

For Salaries, Three Thousand Six Hundred Dollars..... $ 3,600.00

For Capital and Repairs, One Hundred Dollars..... $ 100.00

For Other Operating Expenses, Three Hundred Fifteen Dollars ..... $ 315.00

For Stream Gauging, Eight Thousand Six Hundred Dollars ..... $ 8,600.00

FROM THE CAREY LAND ACT FUND

For Salaries, One Thousand Eight Hundred Dollars..... $ 1,800.00

For Other Operating Expenses, One Thousand Five Hundred Dollars ..... $ 1,500.00

BUREAU OF CHILD AND ANIMAL PROTECTION

FROM THE GENERAL FUND

For Salaries, Ten Thousand Five Hundred Dollars..... $ 10,500.00

For Capital and Repairs, Seventy-Five Dollars..... $ 75.00

For Other Operating Expenses, Two Thousand Seven Hundred Dollars ..... $ 2,700.00

STATE CAPITOL BUILDINGS

FROM THE GENERAL FUND

For Salaries, Twenty-Seven Thousand Seven Hundred Twenty-Eight Dollars ..... $ 27,728.00

For Salaries of Postmaster and Assistant, Three Thousand Dollars ..... $ 3,000.00

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For Capital and Repairs, Six Thousand Five Hundred Dollars ..... $ 6,500.00

For Other Operating Expenses, Twelve Thousand Dollars ..... $ 12,000.00

BOARD OF EDUCATION

FROM THE GENERAL FUND

For the payment of expenses of the Board of Education, One Thousand Dollars ..... $ 1,000.00

FROM COMMON SCHOOL EQUALIZATION FUND

For Salary of one (1) Clerk, One Thousand Eight Hundred Dollars ..... $ 1,800.00

VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For the payment of Salaries, Supplies and other operating expenses in connection with Vocational Education, Twenty-Six Thousand Dollars ..... $ 26,000.00

In addition to the foregoing amount all income from Federal Aid, known as the Vocational U. S. Aid Fund and the George Reed Fund are hereby appropriated except reimbursements to institutions of higher learning.

BOARD OF CHARITIES AND REFORMS

FROM THE GENERAL FUND

For Salaries and Expenses, One Hundred Dollars..... $ 100.00

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

For Salaries and Expenses, Sixteen Thousand Dollars.. $ 16,000.00

FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to meet claims lawfully payable from said fund.

Section 2. That the following sums or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any money in the State Treasury and from Special Funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1932, and ending June 30, 1933.

STATE LAW LIBRARY

FROM THE GENERAL FUND

For Salaries, Four Thousand Three Hundred Dollars.... $ 4,300.00

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For Capital and Repairs, One Hundred Thirty-Five Dollars ..... $ 135.00

For Other Operating Expenses, Three Hundred Fifteen Dollars ..... $ 315.00

FROM THE LAW LIBRARY BOOK FUND

So much thereof as may be necessary for the purchase of Law Books as provided in Section 1556, Revised Codes of Montana, 1921.

HISTORICAL SOCIETY

FROM THE GENERAL FUND

For Salaries, Four Thousand Two Hundred Dollars..... $ 4,200.00

For Capital and Repairs, Six Hundred Seventy-Five Dollars ..... $ 675.00

For Other Operating Expenses, Five Hundred Forty Dollars ..... $ 540.00

BOARD OF EXAMINERS

FROM THE GENERAL FUND

For Salaries, Eight Thousand Five Hundred Twenty Dollars ..... $ 8,520.00

For Capital and Repairs, Three Hundred Dollars..... $ 300.00

For Other Operating Expenses, One Thousand Five Hundred Dollars ..... $ 1,500.00

BOARD OF EQUALIZATION

FROM THE GENERAL FUND

Salaries for three (3) Commissioners, Fifteen Thousand Dollars ..... $ 15,000.00

Salary for one (1) Secretary, Three Thousand Six Hundred Dollars ..... $ 3,600.00

Salary for one (1) Assistant Secretary, Three Thousand Dollars ..... $ 3,000.00

Salary for one (1) Corporation License Tax Auditor, Two Thousand Seven Hundred Dollars..... $ 2,700.00

Salary for one (1) Field Man, Two Thousand Four Hundred Dollars ..... $ 2,400.00

Salary for one (1) Chief Stenographer, Two Thousand One Hundred Dollars ..... $ 2,100.00

Salaries for two (2) Assistant Stenographers, Three Thousand Dollars ..... $ 3,000.00

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For Capital and Repairs, Three Hundred Dollars.....$ 300.00

For Other Operating Expense, Six Thousand Dollars....$ 6,000.00

From the Highway Fund in connection with the collection of Gasoline Tax and Gasoline Drawbacks.

For Salaries, Fifteen Thousand Dollars.....$ 15,000.00

For Capital and Repairs, One Thousand Dollars.....$ 1,000.00

For Other Operating Expenses, Five Thousand Six Hundred Dollars .....$ 5,600.00

FROM THE GASOLINE DRAWBACK FUND

So much thereof as may be necessary to pay all lawful claims presented for refunds.

STATE EXAMINER

FROM THE GENERAL FUND

For Salaries, Thirty-Seven Thousand Three Hundred Eighty Dollars .....$ 37,380.00

For Capital and Repairs, Four Hundred Dollars.....$ 400.00

For Other Operating Expenses, Fourteen Thousand Dollars .....$ 14,000.00

FROM SPECIAL EXAMINERS FUND

All fees and earnings accruing from Special Examinations to be used for the work of the department.

ADJUTANT GENERAL

FROM THE GENERAL FUND

For Salaries, Seven Thousand Seven Hundred Dollars..$ 7,700.00

For Capital and Repairs, Four Hundred Fifty Dollars..$ 450.00

For Other Operating Expenses, Twenty-One Thousand One Hundred Five Dollars.....$ 21,105.00

G. A. R. CUSTODIAN

FROM THE GENERAL FUND

For Salary of Custodian, One Thousand Eighty Dollars .....$ 1,080.00

BOARD OF ARCHITECTURAL EXAMINERS

FROM THE ARCHITECTURAL BOARD FUND

All fees and earnings to carry out the provisions of Chapter 230, Revised Codes of Montana, 1921.

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BOARD OF EMBALMERS EXAMINERS

FROM THE EMBALMERS LICENSE FUND

All fees and earnings to carry out the provisions of Section 2456, Revised Codes of Montana, 1921.

BOARD OF MEDICAL EXAMINERS

FROM THE MEDICAL BOARD FUND

All fees and earnings as provided in Chapter 223, Revised Codes of Montana, 1921.

BOARD OF CHIROPRACTIC EXAMINERS

FROM THE CHIROPRACTIC EXAMINERS FUND

All fees and collections for the carrying out of the provisions of Chapter 225, Revised Codes of Montana, 1921.

STATE PURCHASING AGENT

FROM THE GENERAL FUND

For Salaries, Eight Thousand Five Hundred Ninety Dollars	$	8,590.00
For Capital and Repairs, One Hundred Fifty Dollars	$	150.00
For Other Operation, One Thousand Two Hundred Sixty Dollars	$	1,260.00

FROM THE HIGHWAY FUND

For Salaries, Four Thousand Two Hundred Ninety-Five Dollars	$	4,295.00
For Capital and Repairs, Seventy-Five Dollars	$	75.00
For Other Operation, Six Hundred Thirty Dollars	$	630.00

FROM UNIVERSITY MILLAGE FUND

For Salaries, Four Thousand Two Hundred Ninety-Five Dollars	$	4,295.00
For Capital and Repairs, Seventy-Five Dollars	$	75.00
For Other Operation, Six Hundred Thirty Dollars	$	630.00

ORTHOPEDIC COMMISSION

FROM THE GENERAL FUND

For Operation and Maintenance, Thirteen Thousand Two Hundred Dollars	$	13,200.00

MOTOR VEHICLE DEPARTMENT

FROM THE MOTOR VEHICLE FUND

So much thereof as may be necessary to pay all lawful claims. to be paid from the Motor Vehicle Fund.

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ATHLETIC COMMISSION

FROM THE VETERANS' MEMORIAL FUND

So much thereof as may be necessary to pay all lawful claims of the Athletic Commission in carrying out the law which pertains thereto.

BOARD OF ENTOMOLOGY

FROM THE GENERAL FUND

For Salaries, Nine Thousand One Hundred Seventy-Five Dollars ..... $ 9,175.00

For Capital and Repairs, Seven Hundred Fifty Dollars ..... $ 750.00

For Other Operating Expense, Three Thousand One Hundred Thirty-Five Dollars ..... $ 3,135.00

For Woodtick Parasite Work, Ten Thousand One Hundred Sixty Dollars ..... $ 10,160.00

FROM THE REVOLVING FUND

So much thereof as may be necessary in the operation of the Entomology Laboratory.

STATE ENTOMOLOGIST

FROM THE GENERAL FUND

For Supplies and Expenses in the operation and maintenance of the office of the State Entomologist in accordance with Section 916, Revised Codes of Montana, 1921, Five Hundred Dollars ..... $ 500.00

STATE ENGINEER

FROM THE GENERAL FUND

For Salaries, Three Thousand Six Hundred Dollars..... $ 3,600.00

For Capital and Repairs, One Hundred Dollars..... $ 100.00

For Other Operating Expense, Three Hundred Fifteen Dollars ..... $ 315.00

For Stream Gauging, Nine Thousand Six Hundred Dollars ..... $ 9,600.00

FROM THE CAREY LAND ACT FUND

For Salaries, One Thousand Eight Hundred Dollars.... $ 1,800.00

For Other Operating Expense, One Thousand Five Hundred Dollars ..... $ 1,500.00

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BUREAU OF CHILD AND ANIMAL PROTECTION

FROM THE GENERAL FUND

For Salaries, Ten Thousand Five Hundred Dollars.....$ 10,500.00

For Capital and Repairs, Seventy-Five Dollars.....$ 75.00

For Other Operating Expenses, Two Thousand Seven Hundred Dollars .....$ 2,700.00

STATE CAPITOL BUILDINGS

FROM THE GENERAL FUND

For Salaries, Twenty-Seven Thousand Seven Hundred Twenty-Eight Dollars .....$ 27,728.00

For Salaries, Postmaster and Assistant, Three Thousand Dollars .....$ 3,000.00

For Capital and Repairs, Six Thousand Five Hundred Dollars .....$ 6,500.00

For Other Operating Expenses, Twelve Thousand Dollars .....$ 12,000.00

BOARD OF EDUCATION

FROM THE GENERAL FUND

For the payment of expenses of the Board of Education, One Thousand Eighty Dollars.....$ 1,080.00

FROM COMMON SCHOOL EQUALIZATION FUND

For Salary of Clerk, One Thousand Eight Hundred Dollars .....$ 1,800.00

VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For the payment of Salaries, Supplies and other operating expenses in connection with Vocational Education, Twenty-Six Thousand Dollars .....$ 26,000.00

In addition to the foregoing amount all income from Federal Aid, known as the Vocational U. S. Aid Fund and the George Reed Fund are hereby appropriated except reimbursements to institutions of higher learning.

BOARD OF CHARITIES AND REFORMS

FROM THE GENERAL FUND

For Salaries and Expenses, One Hundred Dollars.....$ 100.00

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

For Salaries and Expenses, Sixteen Thousand Dollars..$ 16,000.00

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FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to meet claims lawfully payable from said fund.

FIRE INSURANCE

FROM THE GENERAL FUND

For Fire Insurance Premiums on all buildings and contents for the following Institutions and Departments: State Capitol Group, Deaf and Blind School, Orphans' Home, Industrial School, Vocational School, State Prison, State Hospital, Tuberculosis Sanitarium, Soldiers' Home, Montana State Fair, Forty-Five Thousand Dollars.....$ 45,000.00

Section 3. Provided further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 4. Provided that no capital outlay shall be made from any appropriation herein, except such items as are specifically enumerated in a list approved by the Legislature for items over Two Hundred Fifty Dollars ($250.00), which list shall be filed with the State Board of Examiners, as the guide for capital expenditures for the several Departments, Boards, and Institutions, to be paid from the appropriations listed herein as "Capital and Repairs".

Section 5. Appropriations contained herein shall not be used for travel for conventions, teachers' meetings, association meetings, or gatherings of like character, wherein said meetings are held outside the State of Montana.

Section 6. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 16, 1931.

HOUSE BILL NO. 209.

An Act to Appropriate Funds for the Operation and Maintenance of Certain of the State's Institutions for the Period Beginning July 1, 1931, and Ending June 30, 1933.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, and from

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any Special Funds of the State herein designated for the objects and purposes hereinafter expressed for the fiscal year beginning July 1, 1931, and ending June 30, 1932.

DEAF AND BLIND SCHOOL

FROM THE GENERAL FUND

(1) For Salaries, Seventy-Four Thousand One Hundred Fifty-Five Dollars ..... $ 74,155.00

(2) For Capital and Repairs, Nine Thousand Dollars ..... $ 9,000.00

(3) For Other Operation, Fifty-Nine Thousand Three Hundred Fifteen Dollars ..... $ 59,315.00

STATE ORPHANS' HOME

FROM THE GENERAL FUND

(1) For Salaries, Thirty-Six Thousand Nine Hundred Ninety Dollars ..... $ 36,990.00

(2) For Capital and Repairs, Six Thousand One Hundred Seventy-Five Dollars ..... $ 6,175.00

(3) For Other Operation, Thirty-Four Thousand Nine Hundred Sixty-Eight Dollars ..... $ 34,968.00

STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

(1) For Salaries, Thirty-Three Thousand One Hundred Ninety Dollars ..... $ 33,190.00

(2) For Capital and Repairs, Four Thousand Two Hundred Dollars ..... $ 4,200.00

(3) For Other Operation, Twenty-One Thousand One Hundred Twenty-One and 50/100 Dollars ..... $ 21,121.50

STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

(1) For Salaries, Twenty-One Thousand Five Hundred Dollars ..... $ 21,500.00

(2) For Capital and Repairs, One Thousand Six Hundred Fifty Dollars ..... $ 1,650.00

(3) For Other Operation, Six Thousand Eight Hundred Fifty Dollars ..... $ 6,850.00

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STATE PRISON

FROM THE GENERAL FUND

(1) For Salaries, Sixty-Eight Thousand Six Hundred Forty Dollars ..... $ 68,640.00

(2) For Capital and Repairs, Seven Thousand Four Hundred Fifty Dollars ..... $ 7,450.00

(3) For Other Operation, One Hundred Ten Thousand Three Hundred Twenty-One Dollars $110,321.00

LICENSE PLATE FACTORY

FROM THE MOTOR VEHICLE FUND

So much thereof as may be necessary to pay all lawful claims for the operation of the Motor Vehicle License Plate Factory.

STATE GARMENT FACTORY

FROM THE STATE GARMENT FACTORY REVOLVING FUND

So much thereof as may be necessary to pay all lawful claims in the operation of the State Garment Factory.

MONTANA STATE HOSPITAL

FROM THE GENERAL FUND

(1) For Salaries, One Hundred Forty-Two Thousand Dollars $142,000.00

(2) For Capital and Repairs, Twenty Thousand Dollars ..... $ 20,000.00

(3) For Other Operation, One Hundred Eighty-Eight Thousand Dollars $188,000.00

STATE TUBERCULOSIS SANITARIUM

FROM THE GENERAL FUND

(1) For Salaries, Sixty-Three Thousand Five Hundred Twenty-Five Dollars ..... $ 63,525.00

(2) For Capital and Repairs, Five Thousand Three Hundred Dollars ..... $ 5,300.00

(3) For Other Operation, Three Thousand One Hundred Seventy-Five Dollars ..... $ 3,175.00

MONTANA STATE SOLDIERS' HOME

FROM THE GENERAL FUND

(1) For Salaries, Twenty-Four Thousand Forty Dollars ..... $ 24,040.00

(2) For Capital and Repairs, Nine Hundred Ninety Dollars ..... $ 990.00

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(3) For Other Operation, Nineteen Thousand Nine Hundred Seventy Dollars ..... $ 19,970.00

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, and from any Special Funds of the State herein designated for the objects and purposes hereinafter expressed for the fiscal year beginning July 1, 1932, and ending June 30, 1933.

DEAF AND BLIND SCHOOL

FROM THE GENERAL FUND

(1) For Salaries, Seventy-Four Thousand One Hundred Fifty-Five Dollars ..... $ 74,155.00

(2) For Capital and Repairs, Nine Thousand Dollars.. $ 9,000.00

(3) For Other Operation, Fifty-Nine Thousand Three Hundred Fifteen Dollars ..... $ 59,315.00

STATE ORPHANS' HOME

FROM THE GENERAL FUND

(1) For Salaries, Thirty-Six Thousand Nine Hundred Ninety Dollars ..... $ 36,990.00

(2) For Capital and Repairs, Six Thousand One Hundred Seventy-Five Dollars ..... $ 6,175.00

(3) For Other Operation, Thirty-Four Thousand Nine Hundred Sixty-Eight Dollars ..... $ 34,968.00

STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

(1) For Salaries, Thirty-Three Thousand One Hundred Ninety Dollars ..... $ 33,190.00

(2) For Capital and Repairs, Four Thousand Two Hundred Dollars ..... $ 4,200.00

(3) For Other Operation, Twenty-One Thousand One Hundred Twenty-One and 50/100 Dollars..... $ 21,121.50

STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

(1) For Salaries, Twenty-One Thousand Five Hundred Dollars ..... $ 21,500.00

(2) For Capital and Repairs, One Thousand Six Hundred Fifty Dollars ..... $ 1,650.00

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(3) For Other Operation, Six Thousand Eight Hundred Fifty Dollars ..... $ 6,850.00

STATE PRISON

FROM THE GENERAL FUND

(1) For Salaries, Sixty-Eight Thousand Six Hundred Forty Dollars ..... $ 68,640.00

(2) For Capital and Repairs, Seven Thousand Four Hundred Fifty Dollars ..... $ 7,450.00

(3) For Other Operation, One Hundred Seventeen Thousand Three Hundred Twenty-One Dollars $117,321.00

LICENSE PLATE FACTORY

FROM THE MOTOR VEHICLE FUND

So much thereof as may be necessary to pay all lawful claims for the operation of the Motor Vehicle License Plate Factory.

STATE GARMENT FACTORY

FROM THE STATE GARMENT FACTORY REVOLVING FUND

So much thereof as may be necessary to pay all lawful claims in the operation of the State Garment Factory.

MONANA STATE HOSPITAL

FROM THE GENERAL FUND

(1) For Salaries, One Hundred Forty-Two Thousand Dollars $142,000.00

(2) For Capital and Repairs, Twenty Thousand Dollars ..... $ 20,000.00

(3) For Other Operation, Two Hundred Three Thousand Dollars $203,000.00

STATE TUBERCULOSIS SANITARIUM

FROM THE GENERAL FUND

(1) For Salaries, Sixty-Eight Thousand Five Hundred Twenty-Five Dollars ..... $ 68,525.00

(2) For Capital and Repairs, Fifteen Thousand Four Hundred Dollars ..... $ 15,400.00

(3) For Other Operation, Ten Thousand One Hundred Seventy-Five Dollars ..... $ 10,175.00

MONTANA STATE SOLDIERS' HOME

FROM THE GENERAL FUND

(1) For Salaries, Twenty-Four Thousand Forty Dollars ..... $ 24,040.00

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(2) For Capital and Repairs, Nine Hundred Ninety Dollars ..... $ 990.00

(3) For Other Operation, Nineteen Thousand Nine Hundred Seventy Dollars ..... $ 19,970.00

Section 3. The sums appropriated as "Other Operation" in Sections 1 and 2 of this Act are declared to be in addition to all the incomes of said institutions from all permanent funds and endowments and from all land grants and from all fees and earnings of said institutions from whatever source they may be derived; provided that all moneys in said funds are to be expended first before using the appropriation; and it is further provided, the Board of Examiners of the State of Montana is hereby authorized and empowered to transfer amounts or parts of amounts herein appropriated in any one (1) item, except that in no case shall the items herein set aside for salaries be increased in any way to supplement amounts appropriated for other items in each institution; provided the aggregate amount of the appropriation is neither increased or decreased.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 5. Appropriations contained herein shall not be used for travel, for conventions, teachers' meetings, association meetings, or gatherings of like character, wherein said meetings are held outside the State of Montana.

Approved March 9, 1931.

HOUSE BILL NO. 222.

An Act to Appropriate Money for the Operation and Maintenance of the Six (6) Units of the University of Montana, for the Agricultural Experiment Stations and the Substations, for Farmers Extension Work, for the Bureau of Mines, for the Students Railroad Fare Refund and for Fire Insurance Premiums on the Physical Plant of the University of Montana and Its Various Branches, for the Period Beginning July 1, 1931, and Ending June 30, 1933.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, from the University Millage Fund, to

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the credit of the University Millage Fund, not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1931, and ending June 30, 1932.

STATE UNIVERSITY

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Two Hundred Seventy-Four Thousand Six Hundred Eighty Dollars $274,680.00

For Capital and Repairs, Thirty-One Thousand Three Hundred Forty-Seven Dollars ..... $ 31,347.00

For Other Operations, Seventy Thousand Four Hundred Seventy-Three Dollars ..... $ 70,473.00

In addition thereto there is hereby appropriated for the support and maintenance of the State University all earnings of said institution, all income from Land Grants and Endowments and all other funds of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921.

STATE AGRICULTURAL COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, One Hundred Sixty Thousand Eight Hundred Thirty-Eight Dollars $160,838.00

For Capital and Repairs, Thirty-Five Thousand Five Hundred Forty-Six Dollars ..... $ 35,546.00

For Other Operations, Thirty-Six Thousand Five Hundred Ninety-Six Dollars ..... $ 36,596.00

In addition thereto there is hereby appropriated for the support and maintenance of the Agricultural College all earnings of said institution, all income from Land Grants, Endowments, Federal Funds and all other Funds, of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921.

STATE SCHOOL OF MINES

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Forty-Seven Thousand Eighty-Two Dollars ..... $ 47,082.00

For Capital and Repairs, Eleven Thousand Five Hundred Ninety-Five Dollars ..... $ 11,595.00

For Other Operation, Six Thousand Three Hundred Twenty-Three Dollars ..... $ 6,323.00

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BUREAU OF MINES AND GEOLOGY

For Salaries and other expenses for operating Bureau of Mines and Geology, Twenty Thousand Dollars.....$ 20,000.00

In addition thereto there is hereby appropriated all earnings of said institution, all income from Land Grants and Endowments, and all other Funds of said School of Mines, as provided under Chapter 12, Revised Codes of Montana, 1921.

STATE NORMAL COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Fifty Thousand Four Hundred Dollars....$ 50,400.00

For Capital and Repairs, Five Thousand Two Hundred Twenty Dollars .....$ 5,220.00

For Other Operation, Twenty-Five Thousand Six Hundred Thirty Dollars .....$ 25,630.00

In addition thereto there is hereby appropriated all earnings of said institution, all income from Land Grants and Endowments, and all other Funds of said State Normal College, as provided in Chapter 12, Revised Codes of Montana, 1921, that so much as may be necessary of the above appropriation shall be used to establish and maintain the four years' teachers' course at said institution.

EASTERN MONTANA NORMAL SCHOOL

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, including the sum of Eight Hundred Fifty Dollars ($850.00) for the Branch Regional Summer School at Miles City, Sixty-Four Thousand Two Hundred Eleven Dollars .....$ 64,211.00

For Capital and Repairs, Ten Thousand Six Hundred Seven Dollars .....$ 10,607.00

For Other Operation, Five Thousand Twenty-Seven Dollars .....$ 5,027.00

In addition thereto there is hereby appropriated all earnings of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921.

NORTHERN MONTANA SCHOOL

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Thirty-Two Thousand Four Hundred Forty-Five Dollars .....$ 32,445.00

For Capital and Repairs, Seven Thousand Sixteen Dollars .....$ 7,016.00

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For Other Operation, Seven Thousand Three Hundred Thirty-One Dollars ..... $ 7,331.00

In addition thereto there is hereby appropriated all earnings of said institution as provided in Chapter 12, Revised Codes of Montana, 1921.

EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Thirty-Three Thousand Thirty-Five Dollars ..... $ 33,035.00

For Capital and Repairs, One Thousand Eight Hundred Dollars ..... $ 1,800.00

For Other Operation, Thirty-Three Thousand One Hundred Sixty-Five Dollars ..... $ 33,165.00

For the Operation and Maintenance of Livestock Research Laboratory, Seven Thousand Five Hundred Dollars ..... $ 7,500.00

FOR EXPERIMENTAL SUBSTATIONS

Grain Laboratory, Eight Thousand One Hundred Dollars ..... $ 8,100.00

Soil Survey and Maps, Three Thousand One Hundred Fifty Dollars ..... $ 3,150.00

Horticultural Branch Station, Four Thousand Five Hundred Dollars ..... $ 4,500.00

Huntley Branch Station, Two Thousand One Hundred Fifty Dollars ..... $ 2,150.00

Judith Basin Substation, Ten Thousand Dollars ..... $ 10,000.00

North Montana Branch Station, Fourteen Thousand Four Hundred Dollars ..... $ 14,400.00

Fort Keogh Livestock Range Station, One Thousand Dollars ..... $ 1,000.00

In addition thereto there is hereby appropriated for the Experiment Station and Substations all earnings which accrue to the different departments contained herein and all Federal Funds of said institution as provided in Chapter 12, Revised Codes of Montana, 1921.

EXTENSION SERVICE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Forty-Seven Thousand Four Hundred Forty-Five Dollars ..... $ 47,445.00

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For Other Operation, Thirty Thousand Two Hundred Fifty-Five Dollars ..... $ 30,255.00

In addition thereto there is hereby appropriated for the Extension Service all income that may accrue to this department, as provided under Chapter 12, Revised Codes of Montana, 1921, and all other moneys received as Federal Aid.

FOR STUDENT RAILWAY FARE REFUNDS
FROM THE UNIVERSITY MILLAGE FUND

To equalize the travelling fare of students in attendance upon the institutions of the Greater University of Montana, Six Thousand Dollars ..... $ 6,000.00

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, from the University Millage Fund, to the credit of the University Millage Fund, not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1932, and ending June 30, 1933.

STATE UNIVERSITY
FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Two Hundred Seventy-Four Thousand Six Hundred Eighty Dollars $274,680.00

For Capital and Repairs, Thirty-One Thousand Three Hundred Forty-Seven Dollars ..... $ 31,347.00

For Other Operation, Fifty-Eight Thousand Nine Hundred Seventy-Three Dollars ..... $ 58,973.00

In addition thereto there is hereby appropriated for the support and maintenance of the State University all earnings of said institution, all income from Land Grants and Endowments and all other Funds of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921.

STATE AGRICULTURAL COLLEGE
FROM THE UNIVERSITY MILLAGE FUND

For Salaries, One Hundred Seventy-Three Thousand Six Hundred Six Dollars $173,606.00

For Capital and Repairs, Twenty-Seven Thousand Seven Hundred Seventy-Nine Dollars ..... $ 27,779.00

For Other Operation, Thirteen Thousand Six Hundred Fifteen Dollars ..... $ 13,615.00

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In addition thereto there is hereby appropriated for the support and maintenance of the Agricultural College all earnings of said institution, all income from Land Grants, Endowments, Federal Funds and all other Funds, of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921.

STATE SCHOOL OF MINES

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Forty-Seven Thousand Eighty-Two Dollars ..... $ 47,082.00

For Capital and Repairs, Eleven Thousand Five Hundred Ninety-Five Dollars ..... $ 11,595.00

For Other Operation, Six Thousand Three Hundred Twenty-Three Dollars ..... $ 6,323.00

BUREAU OF MINES AND GEOLOGY

For Salaries and expenses for operating Bureau of Mines and Geology, Twenty Thousand Dollars ..... $ 20,000.00

In addition thereto there is hereby appropriated all earnings of said institution, all income from Land Grants and Endowments, and all other Funds of said School of Mines, as provided under Chapter 12, Revised Codes of Montana, 1921.

STATE NORMAL COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Fifty Thousand Four Hundred Dollars .... $ 50,400.00

For Capital and Repairs, Five Thousand Two Hundred and Twenty Dollars ..... $ 5,220.00

For Other Operation, Twenty-One Thousand Three Hundred Eighty Dollars ..... $ 21,380.00

In addition thereto there is hereby appropriated all earnings of said institution, all income from Land Grants and Endowments, and all other Funds of said State Normal College, as provided in Chapter 12, Revised Codes of Montana, 1921, that so much as may be necessary of the above appropriation shall be used to establish and maintain the four years' teachers' course at said institution.

EASTERN MONTANA NORMAL SCHOOL

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, including the sum of Eight Hundred Fifty Dollars ($850.00) for the branch Regional Summer School at Miles City, Seventy-Two Thousand Forty-One Dollars ..... $ 72,041.00

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For Capital and Repairs, Twelve Thousand Four Hundred Seven Dollars ..... $ 12,407.00

For Other Operation, Two Thousand Four Hundred Twenty-Six Dollars ..... $ 2,426.00

In addition thereto there is hereby appropriated all earnings of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921.

NORTHERN MONTANA SCHOOL

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Forty-Two Thousand Five Hundred Thirty Dollars ..... $ 42,530.00

For Capital and Repairs, Twenty Thousand Five Hundred Ninety-Two Dollars ..... $ 20,592.00

For Other Operation, Nine Thousand Five Hundred Ninety-Nine Dollars ..... $ 9,599.00

In addition thereto there is hereby appropriated all earnings of said institution as provided in Chapter 12, Revised Codes of Montana, 1921.

EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Thirty-Three Thousand Thirty-Five Dollars ..... $ 33,035.00

For Capital and Repairs, One Thousand Eight Hundred Dollars ..... $ 1,800.00

For Other Operation, Thirty-Three Thousand One Hundred Sixty-Five Dollars ..... $ 33,165.00

For the Operation and Maintenance of Livestock Research Laboratory, Seven Thousand Five Hundred Dollars ..... $ 7,500.00

FOR EXPERIMENTAL SUBSTATIONS

Grain Laboratory, Eight Thousand One Hundred Dollars ..... $ 8,100.00

Soil Survey and Maps, Three Thousand One Hundred Fifty Dollars ..... $ 3,150.00

Horticultural Branch Station, Four Thousand Five Hundred Dollars ..... $ 4,500.00

Huntley Branch Station, Two Thousand One Hundred Fifty Dollars ..... $ 2,150.00

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Judith Basin Substation, Ten Thousand Dollars.....$ 10,000.00

North Montana Branch Station, Fourteen Thousand Four Hundred Dollars .....$ 14,400.00

Fort Keogh Livestock Range Station, One Thousand Dollars .....$ 1,000.00

In addition thereto there is hereby appropriated for the Experiment Station and Substation all earnings which accrue to the different departments contained herein and all Federal Funds of said institutions as provided in Chapter 12, Revised Codes of Montana, 1921.

EXTENSION SERVICE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Forty-Seven Thousand Four Hundred Forty-Five Dollars .....$ 47,445.00

For Other Operation, Thirty Thousand Two Hundred Fifty-Five Dollars .....$ 30,255.00

In addition thereto there is hereby appropriated for the Extension Service all income that may accrue to this department, as provided under Chapter 12, Revised Codes of Montana, 1921, and all other moneys received as Federal Aid.

FOR STUDENT RAILWAY FARE REFUNDS

FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon the institutions of the Greater University of Montana, Six Thousand Dollars .....$ 6,000.00

FIRE INSURANCE

FROM THE UNIVERSITY MILLAGE FUND

For Fire Insurance Premiums on Buildings and Contents of the Greater University of Montana, Forty-Five Thousand Dollars .....$ 45,000.00

Section 3. It is further provided that the Board of Examiners of the State of Montana is hereby authorized and empowered to transfer amounts or parts of amounts listed herein to supplement the amounts appropriated for other items, provided, that the aggregate amount of the total appropriation is neither increased nor decreased for the department to which the appropriation pertains.

Section 4. Appropriations contained herein shall not be used for travel for conventions, teachers' meetings, association meetings, or gatherings of like character, wherein said meetings are held outside the State of Montana.

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Section 5. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 9, 1931.

HOUSE BILL NO. 243.

An Act to Appropriate Money for the Operation and Maintenance, and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus and Commissions for the Period Beginning July 1, 1931, and Ending June 30, 1933.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any money in the State Treasury and from Special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1931, and ending June 30, 1932.

BOARD OF RAILROAD COMMISSIONERS

FROM THE GENERAL FUND

RAILROAD COMMISSION

For Salaries, Twenty-Six Thousand Five Hundred Dollars ..... $ 26,500.00

For Capital and Repairs, Two Hundred Fifty Dollars.. $ 250.00

For Other Operating Expenses, Three Thousand Seven Hundred Dollars ..... $ 3,700.00

PUBLIC SERVICE COMMISSION

For Salaries, Six Thousand Three Hundred Dollars..... $ 6,300.00

For Other Operation, One Thousand Dollars..... $ 1,000.00

OIL AND GAS DIVISION

For Salaries, Nine Thousand Three Hundred Dollars.... $ 9,300.00

For Other Operations, Two Thousand Seven Hundred Dollars ..... $ 2,700.00

MOTOR VEHICLE DIVISION

FROM THE REVOLVING OR MOTOR CARRIER FUND

For Salaries, Two Thousand Four Hundred Dollars..... $ 2,400.00

For Operating Expenses, all collections in connection with the Motor Vehicle Division as provided in Chapter 154 of the Session Laws of 1923 for said Motor Vehicle Division.

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LIVESTOCK SANITARY BOARD

FROM THE GENERAL FUND

For Salaries, Forty Thousand Dollars.....$ 40,000.00

For Capital and Repairs, One Thousand Ten Dollars....$ 1,010.00

For Other Operating Expenses, Eighteen Thousand Nine Hundred Ninety Dollars .....$ 18,990.00

FROM THE LIVESTOCK BOARD FUND

For the payment of slaughtered stock as provided in Chapter 234, Revised Codes of Montana, 1921, and for salaries and expenses of the Livestock Sanitary Board Fund, such sums as may be necessary to be paid from the Livestock Sanitary Board Funds.

FROM LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the Livestock Sanitary Board as much as may be required when such emergency is declared to exist by the Board of Examiners.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

For Salaries and Expenses, Twenty-Five Thousand Dollars .....$ 25,000.00

For the payment of Salaries and Expenses, of the Livestock Commission, so much thereof as may be necessary.

FROM THE BOUNTY FUND

For the Salary of one (1) Clerk, One Thousand Eight Hundred Dollars .....$ 1,800.00

For the payment of Bounty Claims, so much thereof as may be necessary.

BOARD OF HEALTH

FROM THE GENERAL FUND

For Salaries, Thirty Thousand Fifty Dollars.....$ 30,050.00

For Capital and Repairs, One Thousand Three Hundred Fifty Dollars .....$ 1,350.00

For Other Operating Expenses, One Hundred Fifty-Five Dollars .....$ 155.00

CHILD WELFARE DIVISION

For Salaries and Expenses, Fifteen Thousand Dollars..$ 15,000.00

FROM THE REVOLVING FUND

All fees and earnings to be used in connection with the work of the Board of Health and the Child Welfare Divisions.

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The amounts above appropriated are declared to be in addition to any money received for any special work in connection with the departments of Child Welfare or the Board of Health.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For Salaries, Eighteen Thousand Dollars.....$ 18,000.00

For Capital and Repairs, Six Hundred Fifty Dollars....$ 650.00

For Other Operating Expenses, Thirteen Thousand Seven Hundred Seventy-Five Dollars.....$ 13,775.00

FROM THE INDUSTRIAL ADMINISTRATIVE FUND

All fees and earnings accruing to the Industrial Administrative Fund, are hereby appropriated, for the payment of all lawful claims against the department, and all lawful claims shall be paid from this fund when there is sufficient money, before using the apportionment from the General Fund.

BOARD OF COAL MINE INSPECTORS

FROM THE GENERAL FUND

For the payment of Per Diem and Expense of the Board of Coal Mine Examiners, Two Hundred Fifty Dollars .....$ 250.00

VOCATIONAL REHABILITATION

FROM THE GENERAL FUND

For Salaries, Four Thousand Five Hundred Sixty Dollars .....$ 4,560.00

For Other Expenses, Eleven Thousand Four Hundred Forty Dollars .....$ 11,440.00

The foregoing amounts are declared to be in addition to all income or revenue, received from Federal Aid, deposited to the credit of the Civilian Rehabilitation Fund.

STATE ACCOUNTANT

FROM THE GENERAL FUND

For Salaries, Supplies and Expenses, Four Thousand Two Hundred Fifteen Dollars .....$ 4,215.00

STATE BUDGET OFFICE

FROM THE GENERAL FUND

For Salaries, Eight Thousand Five Hundred Dollars....$ 8,500.00

For Capital and Repairs, Four Hundred Dollars.....$ 400.00

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For Other Operating Expenses, One Thousand Seven Hundred Seventy-Four Dollars ..... $ 1,774.00

STATE LANDS AND INVESTMENTS

FROM THE GENERAL FUND

COMMISSIONER OF STATE LANDS AND INVESTMENTS

For Salaries, Twenty-Two Thousand Dollars..... $ 22,000.00

For Capital and Repairs, Six Hundred Fifty Dollars.... $ 650.00

For Other Operating Expenses, Four Thousand Seven Hundred Thirty Dollars ..... $ 4,730.00

CHIEF FIELD AGENT

For Salaries, Nine Thousand Two Hundred Fifty Dollars ..... $ 9,250.00

For Travel, Capital, Repairs, Replacements and Other Operating Expenses, Six Thousand Four Hundred Dollars ..... $ 6,400.00

The items appropriated for the Chief Field Agent shall be used for the purposes designated and no other, notwithstanding the provisions of Sections 3 and 4 of this Act.

FISH AND GAME COMMISSION

There is hereby appropriated for the use of the Fish and Game Commission all moneys accruing to the credit of the Fish and Game Fund and the Biological Fund to the extent necessary to meet claims lawfully payable from said funds.

VETERANS' WELFARE COMMISSION

FROM THE GENERAL FUND

For Veterans' Welfare Expenses, Ten Thousand Dollars ..... $ 10,000.00

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY

FROM THE GENERAL FUND

FOR ADMINISTRATION

For Salaries, Six Thousand Eight Hundred Dollars..... $ 6,800.00

For Capital and Repairs, Five Hundred Dollars..... $ 500.00

For Other Operations, One Thousand Dollars..... $ 1,000.00

DAIRY DIVISION

For Salaries and Expenses, Eight Thousand Dollars.... $ 8,000.00

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GRAIN GRADING AND SCALE TESTING

FROM THE REVOLVING FUND

For the operation and expenses of the Grain Grading and Scale Testing Division all fees and earnings for the use of the Grain Grading and Scale Testing Division only.

HORTICULTURAL DIVISION

FROM THE GENERAL FUND

For Salaries and Expenses, Eight Thousand Dollars....$ 8,000.00

POULTRY SHOW DIVISION

For Salaries and Expenses, Two Thousand Dollars.....$ 2,000.00

LABOR AND PUBLICITY DIVISION

For Salaries and Expenses, Eleven Thousand Two Hundred Dollars .....$ 11,200.00

FROM THE REAL ESTATE REVOLVING FUND

In addition to the above there is also appropriated for the use of the Labor and Publicity Division, all income to the Real Estate Revolving Fund not actually used or required by the Real Estate Division.

APICULTURE DIVISION

FROM THE GENERAL FUND

For Salaries and Expenses, Five Thousand Dollars.....$ 5,000.00

REAL ESTATE DIVISION

FROM THE REVOLVING FUND

For Salaries and Expenses so much thereof as may be necessary to be paid from the earnings. There is hereby appropriated in addition to the above all earnings from each and every division named herein and said earnings are to be used first when available.

STATE FORESTER

FROM THE GENERAL FUND

FOR ADMINISTRATION

For Salaries, Seven Thousand Five Hundred Dollars....$ 7,500.00

For Capital and Repairs, Four Hundred Dollars.....$ 400.00

For Other Operations, Eight Hundred Thirty-Five Dollars .....$ 835.00

FOR PROTECTION OF STATE LANDS

For Salaries and Expenses, Thirteen Thousand Five Hundred Dollars .....$ 13,500.00

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FOR TIMBER SALES

For Salaries and Expenses, Ten Thousand Dollars.....$ 10,000.00

FOR EXCHANGE OF LANDS

For Salaries and Expenses, Five Hundred Dollars.....$ 500.00

In addition to the above there is also appropriated all revenue that may be received by the Foresters' Cooperative Fund to be used in connection with the departments to which it applies.

TEXT BOOK COMMISSION

FROM THE GENERAL FUND

For Expenses in connection with the Text Book Commission, Five Hundred Dollars .....$ 500.00

Section 2. That the following sums or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any money in the State Treasury and from Special Funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1932, and ending June 30, 1933.

BOARD OF RAILROAD COMMISSIONERS

FROM THE GENERAL FUND

RAILROAD COMMISSION

For Salaries, Twenty-Six Thousand Five Hundred Dollars .....$ 26,500.00

For Capital and Repairs, Two Hundred Fifty Dollars....$ 250.00

For Other Operating Expenses, Three Thousand Seven Hundred Dollars .....$ 3,700.00

PUBLIC SERVICE COMMISSION

For Salaries, Six Thousand Three Hundred Dollars.....$ 6,300.00

For Other Operations, One Thousand Dollars.....$ 1,000.00

OIL AND GAS DIVISION

For Salaries, Nine Thousand Three Hundred Dollars....$ 9,300.00

For Other Operation, Two Thousand Seven Hundred Dollars .....$ 2,700.00

MOTOR VEHICLE DIVISION

FROM THE REVOLVING OR MOTOR CARRIER FUND

For Salaries, Two Thousand Four Hundred Dollars.....$ 2,400.00

For Operating Expenses, all collections in connection with the Motor Vehicle Division as provided in Chapter 154 of the Session Laws of 1923 for said Motor Vehicle Division.

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LIVESTOCK SANITARY BOARD

FROM THE GENERAL FUND

For Salaries, Forty Thousand Dollars.....$ 40,000.00

For Capital and Repairs, One Thousand Ten Dollars.....$1,010.00

For Other Operating Expenses, Eighteen Thousand Nine Hundred Ninety Dollars .....$ 18,990.00

FROM THE LIVESTOCK BOARD FUND

For the payment of slaughtered stock, as provided in Chapter 234 Revised Codes of Montana, 1921, and for Salaries and Expenses of the Livestock Sanitary Board, such sums as may be necessary, to be paid from the Livestock Sanitary Board Fund.

FROM LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the Livestock Sanitary Board, as much as may be required when such emergency is declared to exist by the Board of Examiners.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

For Salaries and Expenses, Twenty-Five Thousand Dollars .....$ 25,000.00

FROM THE LIVESTOCK COMMISSION FUND

For the payment of Salaries and Expenses of the Livestock Commission, so much thereof as may be necessary.

FROM THE BOUNTY FUND

For Salary of One (1) Clerk, One Thousand Eight Hundred Dollars .....$ 1,800.00

For the payment of Bounty Claims, so much thereof as may be necessary.

FROM THE STOCK ESTRAY FUND

So much thereof as may be necessary for the payment of Estray Claims.

BOARD OF HEALTH

FROM THE GENERAL FUND

For Salaries, Thirty Thousand Fifty Dollars.....$ 30,050.00

For Capital and Repairs, One Thousand Three Hundred Fifty Dollars .....$ 1,350.00

For Other Operating Expenses, One Hundred Fifty-Five Dollars .....$ 155.00

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CHILD WELFARE DIVISION

For Salaries and Expenses, Fifteen Thousand Dollars..$ 15,000.00

FROM THE REVOLVING FUND

All fees and earnings to be used in connection with the work of the Board of Health and the Child Welfare Divisions.

The amounts above appropriated are declared to be in addition to any money received for any special work in connection with the departments of Child Welfare or the Board of Health.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For Salaries, Nineteen Thousand Dollars.....$ 19,000.00

For Capital and Repairs, Five Hundred Fifty Dollars..$ 550.00

For Other Operating Expenses, Thirteen Thousand Eight Hundred Seventy-Five Dollars .....$ 13,875.00

FROM THE INDUSTRIAL ADMINISTRATIVE FUND

All fees and earnings accruing to the Industrial Administrative Fund, are hereby appropriated, for the payment of all lawful claims against the department, and all lawful claims shall be paid from this fund when there is sufficient money, before using the apportionment from the General Fund.

BOARD OF COAL MINE INSPECTORS

FROM THE GENERAL FUND

For the Payment of Per Diem and Expenses of the Board of Coal Mine Examiners, Two Hundred Fifty Dollars .....$ 250.00

VOCATIONAL REHABILITATION

FROM THE GENERAL FUND

For Salaries, Four Thousand Five Hundred Sixty Dollars .....$ 4,560.00

For Other Expenses and Maintenance of Trainees, Eleven Thousand Four Hundred Forty Dollars.....$ 11,440.00

The foregoing amounts are declared to be in addition to all income or revenue, received from Federal Aid, deposited to the credit of the Civilian Rehabilitation Fund.

STATE ACCOUNTANT

FROM THE GENERAL FUND

For Salaries, Supplies and Expenses, Four Thousand Two Hundred Fifteen Dollars .....$ 4,215.00

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STATE BUDGET OFFICE

FROM THE GENERAL FUND

For Salaries, Eight Thousand Five Hundred Dollars....$ 8,500.00

For Capital and Repairs, Four Hundred Dollars.....$ 400.00

For Other Operating Expenses, One Thousand Seven Hundred Seventy-Four Dollars .....$ 1,774.00

STATE LANDS AND INVESTMENTS

FROM THE GENERAL FUND

COMMISSIONER OF STATE LANDS AND INVESTMENTS

For Salaries, Twenty-Two Thousand Dollars.....$ 22,000.00

For Capital and Repairs, Four Hundred Dollars.....$ 400.00

For Other Operating Expenses, Four Thousand Seven Hundred Thirty Dollars .....$ 4,730.00

CHIEF FIELD AGENT

For Salaries, Nine Thousand Two Hundred Fifty Dollars .....$ 9,250.00

For Travel, Capital, Repairs, Replacements and Other Operating Expenses, Six Thousand Dollars.....$ 6,000.00

The items appropriated for the Chief Field Agent shall be used for the purposes designated and no other, notwithstanding the provisions of Sections 3 and 4 of this Act.

FISH AND GAME COMMISSION

There is hereby appropriated for the use of the Fish and Game Commission all moneys accruing to the credit of the Fish and Game Fund and the Biological Fund to the extent necessary to meet claims lawfully payable from said funds.

VETERANS' WELFARE COMMISSION

FROM THE GENERAL FUND

For Veterans' Welfare Expenses, Ten Thousand Dollars .....$ 10,000.00

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY

FROM THE GENERAL FUND

FOR ADMINISTRATION

For Salaries, Six Thousand Eight Hundred Dollars.....$ 6,800.00

For Capital and Repairs, Five Hundred Dollars.....$ 500.00

For Other Operations, One Thousand Six Hundred Dollars .....$ 1,600.00

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DAIRY DIVISION

For Salaries and Expenses, Eight Thousand Dollars....$ 8,000.00

GRAIN GRADING AND SCALE TESTING

FROM THE REVOLVING FUND

For the Operation and Expenses of the Grain Grading and Scale Testing Division all fees and earnings for the use of the Grain Grading and Scale Testing Division only.

HORTICULTURAL DIVISION

FROM THE GENERAL FUND

For Salaries and Expenses, Eight Thousand Dollars....$ 8,000.00

POULTRY SHOW DIVISION

For Salaries and Expenses, Two Thousand Dollars.....$ 2,000.00

LABOR AND PUBLICITY DIVISION

For Salaries and Expenses, Eleven Thousand Two Hundred Dollars .....$ **11,200.00**

FROM THE REAL ESTATE REVOLVING FUND

In addition to the above there is also appropriated for the use of the Labor and Publicity Division, all income to the Real Estate Revolving Fund, not actually used or required by the Real Estate Division.

APICULTURE DIVISION

FROM THE GENERAL FUND

For Salaries and Expenses, Five Thousand Dollars.....$ 5,000.00

REAL ESTATE DIVISION

FROM REAL ESTATE REVOLVING FUND

For Salaries and Expenses, so much thereof as may be necessary to pay lawful claims of the division. There is hereby appropriated in addition to the above, all earnings from each and every division named herein and said earnings are to be used first when available.

STATE FORESTER

FROM THE GENERAL FUND

FOR ADMINISTRATION

For Salaries, Seven Thousand Five Hundred Dollars....$ 7,500.00

For Capital and Repairs, Four Hundred Dollars.....$ 400.00

For Other Operations, Eight Hundred Thirty-Five Dollars .....$ 835.00

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FOR PROTECTION OF STATE LANDS

For Salaries and Expenses, Thirteen Thousand Five Hundred Dollars ..... $ 13,500.00

FOR TIMBER SALES

For Salaries and Expenses, Ten Thousand Dollars..... $ 10,000.00

FOR EXCHANGE OF LANDS

For Salaries and Expenses, Five Hundred Dollars..... $ 500.00

In addition to the above there is also appropriated all revenue that may be received by the Foresters' Cooperative Fund to be used in connection with the departments to which it applies.

Section 3. Provided, further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 4. Provided that no capital outlay shall be made from any appropriations herein except such items as are specifically enumerated in list approved by the Legislature, which list shall be filed with the State Board of Examiners, as the guide for capital expenditures for the several departments, boards and institutions, to be paid from the appropriations listed herein as "Capital and Repairs".

Section 5. Appropriations contained herein shall not be used for travel for conventions, teachers' meetings, association meetings, or gatherings of like character, wherein said meetings are held outside the State of Montana.

Section 6. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 16, 1931.

HOUSE BILL NO. 312.

An Act Appropriating Money for the State Highway Commission for the Period Beginning July 1, 1931, and Ending June 30, 1933.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of the State Highway Fund the the sum of Six Million Five Hundred Thousand Dollars ($6,500,000.00), together with all additional moneys which may be deposited by law to the credit of said fund during the period

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from July 1, 1931, to June 30, 1933, not otherwise appropriated, and including the unexpended balance in said fund on June 30, 1931, for expenditure by the State Highway Commission as provided by law during the period from July 1, 1931, to June 30, 1933; provided, that the total cost to the state for administration and engineering on the Federal Aid work prescribed by law shall not exceed for any fiscal year eight per centum (8%) of the total of State, Federal Aid and other available funds expended under the supervision of the State Highway Commission as provided by Initiative Measure No. 31 and Acts supplementary or amendatory thereto; provided further, that the commission shall file with the Governor a monthly report showing the overhead cost of operation; provided further that the State Treasurer is hereby required to transfer from the State Highway Fund to the State Highway Trust Fund from time to time upon the request of the State Highway Commission, subject to the approval of the State Board of Examiners, such parts of the moneys hereby appropriated as are necessary to match Federal Aid for construction and for reconstruction purposes, and when so transferred said moneys may be expended and drawn from the said State Highway Trust Fund in the same manner as other moneys in said fund are expended.

Section 2. The appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 16, 1931.

HOUSE BILL NO. 363

An Act Appropriating Money From the General Fund for the Purpose of Conditioning the Basement Under the Present Historical Library, Quarters in the Extreme Southeast Corner of the Capitol Building by the Construction of a Fire Wall and of a Metal Stairway Leading From the Library Proper and for the Installation of Sufficient Metal Shelving for the Filing of Bound Newspaper Records, Books and Other Historical Documents and for the Safeguarding Against Fire and Theft of Historical Records.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Thousand Dollars ($3,000.00) or as much thereof as may be deemed necessary by the State Board of Examiners, and the same is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise

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appropriated, for the purpose of conditioning the basement under the present historical library quarters in the extreme southeast corner of the capitol building by the construction of a fire wall and of a metal stairway leading from the library proper and for the installation of sufficient metal shelving for the filing of bound newspaper records, books and other historical documents and for the safeguarding against fire and theft of historical records.

Section 2. Appropriations hereby provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. Owing to the present congested condition of the historical library this Act is deemed an emergency Act and so declared and shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

HOUSE BILL NO. 413.

An Act to Appropriate Money from the General Fund and Certain Special Funds for the Operation and Maintenance of Certain Departments, Boards and Commissions for the Year Ending June 30, 1931, the Appropriations Made by the Twenty-first Legislative Assembly Having Been Found to be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury in the General Fund of the State of Montana, and out of certain special funds enumerated herein, not otherwise appropriated, for the objects and purposes expressly enumerated hereinafter, for the period ending June 30, 1931.

GOVERNOR

GOVERNOR'S MANSION

FROM THE GENERAL FUND

For Operation and Maintenance of the Governor's Mansion, One Thousand Five Hundred Dollars.....$ 1,500.00

REQUISITIONS

FROM THE GENERAL FUND

For Requisitions, Two Thousand Dollars.....$ 2,000.00

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ATTORNEY GENERAL

FROM THE GENERAL FUND

For Salary of Special Attorney as Legislative Counsel, Five Hundred Dollars ..... $ 500.00

SECRETARY OF STATE

FROM THE GENERAL FUND

For Other Operating Expenses, One Thousand Two Hundred Twenty and 1/100 Dollars ..... $ 1,220.01

STATE AUDITOR

AUDITOR'S DIVISION

FROM THE HIGHWAY FUND

Other Operating Expenses, Two Thousand Dollars..... $ 2,000.00

INSURANCE DIVISION

FROM THE GENERAL FUND

For Salaries, Two Thousand Two Hundred Dollars..... $ 2,200.00
For Other Operating Expenses, Six Hundred Dollars.... $ 600.00

INVESTMENT DIVISION

FROM THE GENERAL FUND

For Salaries and Expenses, One Thousand Four Hundred Dollars ..... $ 1,400.00

STATE BUDGET OFFICE

FROM THE GENERAL FUND

For Other Operating Expenses, Five Hundred Dollars.. $ 500.00

BUREAU OF CHILD AND ANIMAL PROTECTION

FROM THE GENERAL FUND

For Other Operating Expenses, Five Hundred Dollars.. $ 500.00

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For Transportation of Prisoners, Ten Thousand Dollars ..... $ 10,000.00

Section 2. The appropriations enumerated hereinbefore are declared to be made because of the fact that there are insufficient funds available for the operation and maintenance of the specified Departments, Boards and Commissions, to June 30, 1931.

Section 3. The appropriations contained herein shall be held and deemed legal and valid notwithstanding the provisions of the Budget Act.

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Section 4. This Act is hereby deemed and declared an emergency and shall be in full force and effect from and after its passage and approval.

Approved March 12, 1931.

HOUSE BILL NO. 446.

An Act to Appropriate Money From the General Fund for the Operation and Maintenance of Certain State Institutions, for the Year Ending June 30, 1931; the Appropriations Made by the Twenty-first Legislative Assembly Having Been Found to be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury in the General Fund of the State of Montana, not otherwise appropriated, for the objects and purposes expressly enumerated hereinafter, for the period ending June 30, 1931.

DEAF AND BLIND SCHOOL, BOULDER

FROM THE GENERAL FUND

For Operation and Maintenance, Twenty-Eight Thousand Five Hundred Dollars ..... $ 28,500.00

ORPHANS' HOME, TWIN BRIDGES

FROM THE GENERAL FUND

For Operation and Maintenance, Twelve Thousand Eight Hundred Dollars ..... $ 12,800.00

INDUSTRIAL SCHOOL, MILES CITY

FROM THE GENERAL FUND

For Operation and Maintenance, Twelve Thousand Dollars ..... $ 12,000.00

GIRLS' VOCATIONAL SCHOOL, HELENA

FROM THE GENERAL FUND

For Operation and Maintenance, Five Thousand Five Hundred Dollars ..... $ 5,500.00

STATE PRISON, DEER LODGE

FROM THE GENERAL FUND

For Operation and Maintenance, Fifty-Five Thousand Dollars ..... $ 55,000.00

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STATE HOSPITAL, WARM SPRINGS

FROM THE GENERAL FUND

For Operation and Maintenance, Twenty-Nine Thousand Seven Hundred Dollars ..... $ 29,700.00

TUBERCULOSIS SANITARIUM, GALEN

FROM THE GENERAL FUND

For Operation and Maintenance, Two Thousand Dollars ..... $ 2,000.00

Section 2. The appropriations enumerated hereinbefore are declared to be made because of the fact that there are insufficient funds available for the operation and maintenance of the specified State Institutions, to June 30, 1931.

Section 3. The appropriations contained herein shall be held and deemed legal and valid notwithstanding the provisions of the Budget Act.

Section 4. This Act will be in full force and effect on and after its passage and approval.

Approved March 16, 1931.

HOUSE BILL NO. 447.

An Act Appropriating Money for the Payment of Per Diem to the Officers and Attaches of the Twenty-second Legislative Assembly of the State of Montana, and for Incidental Expenses of the Twenty-second Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other.

For the payment of Per Diem to the Officers and Attaches of the Twenty-second Legislative Assembly of the State of Montana, Six Thousand Five Hundred Dollars.... $ 6,500.00

For the payment of Incidental Expenses of the Twenty-second Legislative Assembly of the State of Montana, Eleven Thousand Dollars ..... $ 11,000.00

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

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Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1931.

HOUSE BILL NO. 451

An Act Appropriating Money for the Two (2) Years Beginning July 1, 1931, and Ending June 30, 1933, for the Payment of Refunds or Drawbacks Under the Provisions of Chapter 168, Laws of the Twenty-first Legislative Assembly of the State of Montana, or Any Amendments Thereto, Relating to Refunds of License Taxes Paid by Dealers in Gasoline.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That a sum of money equal to the total of all claims of refund or drawback allowed and approved by the State Board of Equalization during the year commencing July 1, 1931, and ending June 30, 1932, under the provisions of Chapter 168, Laws of the Twenty-first Legislative Assembly of the State of Montana, or any amendments thereto, be, and the same is hereby appropriated out of any money in the State Treasury to the credit of the "Gasoline License Drawback Fund", for the purpose of paying such refunds or drawbacks.

Section 2. That a sum of money equal to the total of all claims of refund or drawback allowed and approved by the State Board of Equalization during the year commencing July 1, 1932, and ending June 30, 1933, under the provisions of Chapter 168, Laws of the Twenty-first Legislative Assembly of the State of Montana, or any amendments thereto, be, and the same is hereby appropriated out of any money in the State Treasury to the credit of the "Gasoline License Drawback Fund", for the purpose of paying such refunds or drawbacks.

Section 3. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 16, 1931.

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HOUSE BILL NO. 452.

An Act Transferring the Surplus of Certain Moneys Appropriated in House Bills No. 2 and No. 447 of the Twenty-second Legislative Assembly of the State of Montana, to Supplement the Appropriation Contained in Said House Bills for the Payment of Per Diem to the Officers and Attaches of Said Legislative Assembly and Appropriating Said Surplus for that Purpose.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That any surplus remaining in the appropriations contained in House Bills No. 2 and No. 447 for the payment of mileage and per diem of the members of the Twenty-second Legislative Assembly of the State of Montana and the incidental expenses of said Legislative Assembly be, and the same is hereby transferred to the appropriations contained in said House Bills for the purpose of paying per diem to the officers and attaches of said Legislative Assembly, to supplement the appropriation contained in said House Bills for said purpose, and the said surplus or so much thereof as may be necessary, is hereby appropriated for the payment of per diem to the said officers and attaches.

Section 2. This transfer and appropriation shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1931.

HOUSE JOINT MEMORIAL NO. 1.

A Resolution Memorializing Congress for the Passage of Legislation for the Establishing of a Standard, Completely Equipped Weather Station at Missoula, Montana.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, weather conditions on the west side of the Continental Divide in Montana and Northern Idaho differ greatly from those of the east side, and

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WHEREAS, accurate weather predictions would be of great practical value in the following:

1. Operations for control of forest fires.
2. Connection with the safe operation of aerial highways.
3. Horticulture.
4. Agriculture.
5. Stock raising.
6. Shipping.
7. General lumbering operations.
8. The recreational development of that section.

NOW, THEREFORE, BE IT RESOLVED, by the Legislative Assembly of the State of Montana that we do hereby petition the Congress of the United States for the passage of the amendment to the pending Agricultural Appropriations Bill, establishing a standard, completely equipped weather station at Missoula, Montana.

BE IT FURTHER RESOLVED, that a copy of this memorial be transmitted by the Secretary of the State of Montana to both houses of the National Congress and to the Senators and Representatives in Congress from the State of Montana, with the request that they and each of them exert every effort within their power to bring about the enactment of this Legislation by the establishment of a weather station at Missoula, Montana.

Approved February 4, 1931.

HOUSE JOINT MEMORIAL NO. 2.

A Resolution Memorializing Congress for the Passage of Pending Legislation Regulating the Manufacture and Sale of Oleomargarine and Other Butter Substitutes.

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

WHEREAS, the dairy industry of the State of Montana is of great economic importance; and

WHEREAS, due to the manufacture and sale of oleomargarine and other butter substitutes, the dairymen of Montana are facing a serious loss; and

WHEREAS, the manufacture and sale of oleomargarine and other butter substitutes are causing the price of butter-fat to decline to

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such a low price that the dairy industry of the State of Montana is facing a crisis; and

WHEREAS, the survival of the dairy industry in the State of Montana means much to the future development of this State; and

WHEREAS, there has been introduced in the House of Representatives of the United States of America, a bill known as H. R. 15934 of the third session of the 71st Congress entitled: "A Bill to Amend the Act Entitled, 'An Act Defining Butter, Also Imposing a Tax upon and Regulating the Manufacture, Sale, Importation, and Exportation of Oleomargarine'", approved August 2nd, 1886 as amended; and

WHEREAS, the passage of said bill or similar legislation is necessary for the preservation of the dairy industry in the State of Montana:

NOW, THEREFORE, BE IT RESOLVED BY THE House of Representatives of the State of Montana, the Senate concurring, that we do hereby petition the Congress of the United States of America for the passage of the amendment now pending, regulating the manufacture and sale of oleomargarine; and

BE IT FURTHER RESOLVED, that a copy of this memorial be transmitted by the Secretary of State of the State of Montana to both houses of the National Congress and to the Senators and Representatives in Congress from the State of Montana, and that they and each of them are hereby requested to exert every effort within their power to bring about the enactment of this Legislation.

Approved February 4, 1931.

HOUSE JOINT MEMORIAL NO. 3.

A Resolution Memorializing Congress for the Passage of Legislation now Pending Towards the Conversion into Cash of the Adjusted Compensation Certificates.

WHEREAS, there have been introduced in the Congress of the United States of America various measures looking towards the conversion into cash of the Adjusted Compensation Certificates at their full face value, and

WHEREAS, there are a great many disabled veterans and their dependents who are in sore distress and dire need of the relief that will be afforded by such lgislation, and

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WHEREAS, there are in the State of Montana approximately thirty-five thousand veterans who would be directly benefited by the passage of such legislation, and

WHEREAS, the immediate distribution and circulation of funds from such conversion would at this time materially assist in relieving the present distressful economic condition which prevails throughout this State,

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the State of Montana, the Senate concurring, that the Congress of the United States of America be, and it is hereby memorialized to pass the legislation now pending looking towards the conversion into cash of the Adjusted Compensation Certificates, and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted by the Secretary of State of the State of Montana to the Senate and House of Representatives of the United States of America, and to each of the Senators and Representatives of the State of Montana in Congress.

Approved February 18, 1931.

HOUSE JOINT MEMORIAL NO. 4.

A Resolution Memorializing Congress for the Passage of Pending Legislation Relating to Permanent Veterans' Hospitalization for the State of Montana.

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

WHEREAS, for more than three (3) years past the Veterans' organizations of the State of Montana have, in anticipation of the needs of hospitalization for veterans in the State of Montana, urged upon Congress the necessity of providing legislation for the permanent veterans' hospitalization for the State of Montana, and

WHEREAS, no action has been taken on such legislation and the condition anticipated by the veterans' organizations is now upon us, when we find that at this date the hospital at Fort Harrison is filled to capacity and there are now pending the following applications for admission to the hospital from ex-service men of this State who are unable to enter because of lack of facilities: ninety-nine (99) general medical, fifty-seven (57) surgical, five (5) nerve

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cases and one (1) tuberculosis, and in addition we have seventy (70) neuro psychiatric cases at the hospital at Sheridan, Wyoming, and thirty-four (34) confined in the State Insane Hospital at Warm Springs, Montana, who, owing to lack of facilities at the Veterans' Hospital at Fort Harrison are unable to be treated there. In addition, there are a large number of neuro psychiatric cases in Montana needing treatment who are not considered in the above figures, for the reason that the hospital at Fort Harrison has no facilities for treating neuro psychiatric cases, but entertains applications only from men suffering from nerve injury as distinguished from mental afflictions. These cases are such as to require treatment, but should not be sent to the Insane Hospital at Warm Springs or to Sheridan, Wyoming, which is a proper place only for advanced cases. There are no facilities at Fort Harrison for the treatment of neuro psychiatric cases and a man must either stay out of the hospital until he reaches an advanced stage or go to the Insane Hospital at Warm Springs, Montana, or Sheridan, Wyoming, at a time when the environment may make certain the permanency of his disability, and

WHEREAS, there has been introduced in the Seventy-first Congress of the United States of America, legislation providing for permanent veterans' hospitalization for the State of Montana, and

WHEREAS, the passage of said pending legislation is necessary for the immediate care and treatment of all veterans in the State of Montana,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of Montana, the Senate concurring, that the Congress of the United States of America be, and it is hereby memorialized to pass the now pending legislation relative to permanent veterans' hospitalization for the State of Montana, and

BE IT FURTHER RESOLVED that a copy of this Memorial be transmitted by the Secretary of State of the State of Montana to Senate and House of Representatives of the United States of America, and to each of the Senators and Representatives of the State of Montana in Congress.

Approved February 18, 1931.

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HOUSE JOINT MEMORIAL NO. 5.

A Resolution Memorializing Congress for the Passage of Pending Legislation, Providing That the United States Shall Aid the States in the Construction of Rural Post-Roads and for Other Purposes.

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

WHEREAS, the agricultural interests of the State of Montana cannot be served and do not have access to the present federal aid system of highways, and

WHEREAS, rural mail carriers in the State of Montana are handicapped in the speedy distribution of the United States mail by reason of poor and inadequate intracounty and intercounty highways, and

WHEREAS, the farming interests of the State of Montana would be better served, at all times of the year, by improving third class highways which would mean much to the future development of the State of Montana, and

WHEREAS, there has been introduced in the House of Representatives of the United States of America a bill known as H. R. 13542 of the Seventy-first Congress, entitled: A Bill to Amend the Act entitled: "An Act to provide that the United States shall aid the States in the construction of rural post-roads, and for other purposes", approved July 11, 1916, as amended and supplemented, and for other purposes, and

WHEREAS, the passage of said bill, or similar legislation, is of vital importance to the State of Montana,

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the State of Montana, the Senate concurring, that the Congress of the United States of America, be, and it is hereby memorialized to pass the amendment now pending, or similar legislation, whereby the rural post-roads may be improved with federal aid, and

BE IT FURTHER RESOLVED, that a copy of this memorial be transmitted by the Secretary of State of the State of Montana to both houses of the National Congress and to each of the Senators and Representatives in Congress from the State of Montana.

Approved February 26, 1931.

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HOUSE JOINT MEMORIAL NO. 6.

Memorial to the Congress of the United States, Urging Sufficient Appropriations for the Proper Care and Isolation of Cases of Tuberculosis on the Indian Reservations in Montana.

To the Honorable Senate and House of Representatives in the Congress of the United States of America:

Your Memorialists, the Members of the Twenty-second Legislative Assembly of the State of Montana, the House and Senate concurring, respectfully represent:

WHEREAS, the tuberculosis death rate on the Indian reservations in Montana is thirteen (13) times as great as in the white population, and

WHEREAS, at the present time there are not adequate hospital facilities for the care of the Indians suffering from tuberculosis, and

WHEREAS, the only adequate method of preventing the spread of this disease is by proper hospitalization and isolation, and

WHEREAS, having these foci of infection on the Indian reservations is not only a menace to the Indians but also to the white population:

BE IT RESOLVED, that it is the sense of the Twenty-second Legislative Assembly of the State of Montana, that the Congress of the United States should make adequate appropriation for the establishment of proper hospital facilities on each of the Indian reservations.

Approved March 2, 1931.

HOUSE JOINT MEMORIAL NO. 9.

A Resolution Memorializing the Senate of the United States for the Passage of Resolutions Numbered 442 and 443, Introduced by Senator Pittman, Relative to the Stabilization of the Silver Market.

To the Honorable the Senate of the United States of America:

WHEREAS, a sub-committee of the Committee on Foreign Relations of the United States Senate has had under consideration trade relations in China and the causes and remedies for depressed conditions of commerce, and

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WHEREAS, a report thereon has been submitted by such sub-committee to the Chairman of the Committee on Foreign Relations, and

WHEREAS, as a result of the investigations and findings of such sub-committee there has been introduced in the Senate of the United States resolutions numbered 442 and 443 by Senator Pittman, urging that the President, if he deem it to the best interests of the government, enter into discussion and negotiations with the government of India, Great Britain, France, Belgium and other governments, looking to the suspension of the policy and practice of governments melting up or debasing silver coins and sales by governments of silver, and that he take such other and further action in the premises as he may deem necessary to eliminate the abnormal fluctuations and depressions in the price of silver, and that the President, if he deem it to the best interests of the government, call or obtain an international conference or international conferences, to the end that agreements or understandings may be obtained with respect to the uses and status of silver as money, and further that the President of the United States, if he deem it to the best interests of the government, enter into discussions or negotiations with the National Government of China and such other governments that have treaty relations with China, as China and the United States may consider it advisable, looking to the moral, intellectual and financial aid of the National Government of China, and to that end to discuss and ascertain the advisability of establishing a silver pool or fund from which to supply the National Government of China with silver for coinage, to be used for certain specific purposes and in certain specified manner to be agreed upon, and to be repaid at a time and in a manner to be agreed upon, and further a consideration of the practicability of utilizing some of the standard dollars now in the Treasury of the United States in connection with such silver pool or the supplying of silver to China for coinage purposes; and further, that he consider the practicability of supplying such silver in kind without reference to its ratio to gold or its market value, to be repaid in coin, and

WHEREAS, the State of Montana is one of the large producers of silver in the United States, and its industrial life has been greatly hampered as the result of the serious fluctuations in the price of silver:

NOW, THEREFORE, BE IT RESOLVED, that the House of Representatives of the State of Montana, the Senate concurring, that the Senate of the United States of America be, and it is hereby memorialized, to pass said resolutions numbered 442 and 443 now

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pending in the Senate of the United States, to the end that the price of silver may be stabilized and our trade and commerce with China, India and other silver using countries may be increased, and

BE IT FURTHER RESOLVED, that a copy of this Memorial be transmitted by the Secretary of State of the State of Montana to the Senate of the United States of America, to the President of the United States of America, to the Vice-President of the United States of America, to the Secretary of State of the United States of America, to the Chairman of the Committee on Foreign Relations, to each of the Senators from the State of Montana, and to Senator Pittman of Nevada.

Approved March 2, 1931.

HOUSE JOINT MEMORIAL NO. 10.

Memorial to the Congress of the United States, Requesting the Enactment of Senate Bill No. 5109 Introduced by Frazier, Providing for the Liquidation and Re-Financing of Agricultural Indebtedness Through Federal Agencies.

To the Honorable Senate and House of Representatives of the United States of America:

Your Memorialists, the Members of the Twenty-second Legislative Assembly of the State of Montana, the House and Senate concurring, respectfully represent:

WHEREAS, Senate Bill No. 5109 introduced in the Congress of the United States by Senator Frazier provides for the liquidating and re-financing of agricultural indebtedness and providing for a reduced rate of interest for the same through the Federal Farm Loan System, Federal Reserve Bank System, and Postal Saving Depository System, and

WHEREAS, the provisions of this will have a vital effect upon the agricultural industry of the State of Montana, and

WHEREAS, at the present time many loans relating to the agricultural industry should bear a reduced rate of interest, and

WHEREAS, there are funds in the various federal financial departments to provide for this reduced rate of interest.

NOW, THEREFORE BE IT RESOLVED, that it is the sense of your Memorialists, the Legislative Assembly of the State of Montana, that the Congress of the United States should by proper legislation enact the provisions of the Frazier Act, and

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BE IT FURTHER RESOLVED, that a copy of this Memorial, duly authenticated, be sent by the Secretary of State to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana in Congress.

Approved March 2, 1931.

HOUSE JOINT RESOLUTION NO. 1.

WHEREAS, the disastrous floods of 1927 wrought havoc in the states of the lower Mississippi Valley, causing great loss of life and millions of dollars in property damage; and

WHEREAS, the storage of flood waters on the streams tributary to the Mississippi would prevent the recurrence of such a calamity; and

WHEREAS, there exists in the United States at the present time a serious situation with regard to unemployment, millions of workers being without employment or means to procure subsistence for themselves and their families; and

WHEREAS, the construction of an adequate system of storage reservoirs on the streams tributary to the Mississippi would serve two purposes, namely, providing employment for these millions of idle workers, thus restoring their purchasing power and protecting the lives and property of the residents of the Mississippi Valley;

THEREFORE BE IT RESOLVED, by the House of Representatives of the State of Montana, the Senate concurring, that the Congress of the United States be, and it is hereby respectfully urged to enact appropriate legislation at the earliest possible moment authorizing the acquisition or condemnation of natural sites for, and the construction of reservoirs for the storage of flood waters upon streams tributary to the Mississippi.

Approved January 28, 1931.

HOUSE JOINT RESOLUTION NO. 2.

A Concurrent Resolution Petitioning Congress to Pass and the President to Approve of at This Session of Congress, House Resolution 14277, Known as the Selvig Bill, as Amended, Providing for a Tax on the Manufacture of Flour in Order to Create a Fund for the Relief of the Wheatgrowers.

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WHEREAS, There is now pending before the Seventy-first Congress House Resolution 14277 by Selvig, providing for the levy and collection of a tax of one cent (1c) per pound upon flour manufactured, milled or produced from wheat in the United States, which said fund amounting to approximately Three Million Dollars ($300,000,000) a year will be refunded and distributed by the Secretary of Agriculture to producers of wheat in the United States in proportion to the number of bushels sold by the wheatgrowers under the provisions of this Act, and

WHEREAS, Urgent petitions signed by several hundreds of wheatgrowers from many of the wheat-growing counties in the state have been filed with this Legislative Assembly urging that this Assembly endorse the provisions of the Selvig Bill, and

WHEREAS, The condition of the wheatgrowers of Montana is the most acute in the history of the state and immediate remedial legislation is essential for the very existence of one of the chief industries of the state, we believe that this plan is one of the most feasible and simple means of assuring the farmers of fair return on their wheat without working an undue hardship on the consumers of flour, and

WHEREAS, We believe that this tax will not materially effect the cost of bread, and statistics show that wheat prices can fluctuate as much as seventy-five cents (75c) a bushel without apparently effecting the price of bread to the consumer, and that the present cost of wheat that goes into the making of a loaf of bread is approximately one cent (1c) a loaf, and

WHEREAS, The Department of Agriculture of the United States in 1923, when wheat averaged One and 19/100 Dollars ($1.19) per bushel in Minneapolis, made a comprehensive table of the cost of bread and of the various factors that went into such cost and the report of said Department of Agriculture was as follows:

Retailer's margin	$ .0200
Baker's margin	.0324
Materials other than flour	.0125
Transportation of flour	.0029
Miller's margin	.0048
Freight on wheat	.0015
Elevator margin	.0012
Wheatgrower's portion	.0147
Total	Nine Cents (9c), and

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WHEREAS, Apparently the price of bread to the consumer in the cities does not vary materially whether wheat sells at sixty cents (60c), seventy-five cents (75c) or One and 25/100 Dollars ($1.25) per bushel, we believe that this additional tax in the shape of an income to the farmer would soon be reflected in better employment conditions in our cities and towns as the purchasing power of the community would be materially increased, and

WHEREAS, The Montana farmer, from a geographical standpoint, is penalized and the passage of this Act would materially compensate for his distance from market and is of vital importance to all the citizens of this state,

NOW, THEREFORE, BE IT RESOLVED, That the Legislative Assembly of the State of Montana, the Governor concurring, earnestly request the immediate passage and approval of the Selvig Bill, and

BE IT FURTHER RESOLVED, That the Secretary of State shall forward copies of this Resolution to the United States Senators and Congressmen from Montana, to the Secretary of Agriculture, and to the Chairman of the Federal Farm Board.

Approved February 12, 1931.

HOUSE JOINT RESOLUTION NO. 3.

WHEREAS, in our anxiety to accomplish for our material benefit, we often overlook recording in the pages of history events that should be chronicled for our posterity, and

WHEREAS, the Congress of the United States on the Eighth day of May, 1914, passed the following statute, which was duly and regularly approved by the President of the United States and is now a part of our law:

"The President of the United States is authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag at their homes or other suitable places, on the second Sunday in May, as a public expression of our love and reverence for the mothers of our country.

The second Sunday in May shall hereafter be designated and known as Mother's Day, and it shall be the duty of the President to request its observance as provided for in this resolution." And

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WHEREAS, the Congress of the United States on the 24th day of February, 1925, by an act duly and regularly passed and by the President approved, established and incorporated the American War Mothers, and

WHEREAS, said organization and the laudable purposes for which it stands has now and always will occupy a tender place in the hearts of all our citizens, and

WHEREAS, that organization on the 14th day of November, 1929, at the city of South Bend, Indiana, officially decorated Frank E. Hering of that city and state as the father of Mother's Day, an appreciation of twenty-five years' service and effort in the organization and establishment of Mother's Day, and

WHEREAS, Mother's Day is an occasion upon which we all are called back to our childhood days and again walk down memory lanes with the thoughts of her, "Our Mother", and

WHEREAS, the home is the foundation of civilization and the structure upon which the future development of our Nation and State depends, and

WHEREAS, the burden of maintaining the home and educating the children falls in a large measure upon the father of the home, who patiently and unselfishly strives to give his loved ones all those things which prepare them to better meet the many difficult problems with which they will be required to cope, and

WHEREAS, Father's Day is unofficially recognized in many States and is looked upon as an occasion when we are all called back to our childhood days, and

WHEREAS, so far as the available records disclose, the people of Montana were the first to recognize Father's Day,

THEREFORE, BE IT RESOLVED by the House of Representatives of the Twenty-second Legislative Assembly of the State of Montana, the Senate concurring, that we join with the Congress of the United States in the thought that the second Sunday in May shall always be a day upon which there shall be by our people some public expression of our love and reverence for the Mothers of our country,

BE IT FURTHER RESOLVED that we join with our American War Mothers in paying our respects to the Honorable Frank E. Hering of South Bend, Indiana, the father of Mother's Day,

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BE IT FURTHER RESOLVED that the third Sunday in June of each year be and the same is hereby designated as Father's Day, to be observed in a fitting manner by the people of our State in appreciation of the regard and esteem in which we hold our fathers.

Approved February 18, 1931.

HOUSE JOINT RESOLUTION NO. 4.

WHEREAS, it has been generally charged in various newspapers and by various citizens in the State, that Montana is being discriminated against in the matter of freight rates on gasoline and other petroleum products and the general impression prevails that Wyoming refiners have been given competitive rates enabling them to compete for business in Oklahoma (group three) territory, but that Oklahoma refiners have not been given similar competitive rates into that part of Wyoming trade territory comprising all of the State of Montana, at least, and that such condition, if true, constitutes a discrimination on the part of the governmental rate making authorities against the people of Montana giving to Wyoming refiners an advantage estimated at an average of three cents (3c) per gallon;

NOW THEREFORE BE IT RESOLVED by the House of Representatives of Montana, the Senate concurring, that the Interstate Commerce Commission be requested to fully investigate the freight rates on petroleum products, particularly the rates from group three, as competitive to Wyoming rates into Montana points and Wyoming rates into group three territory as competitive to group three refiners in their territory and to determine the question of discrimination in the present rates and further to request said Commission to investigate all interstate rates which might be discriminatory to the State of Montana, and adjust same on a fair and reasonable basis, and

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the chairman of the Interstate Commerce Commission and the Attorney General of the United States and also that a copy be sent to the chairman of the State Railroad Commission and the Attorney General of Montana and that said officials of the State of Montana be instructed to immediately take steps to secure a hearing upon the matter covered by this resolution.

Approved February 26, 1931.

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HOUSE JOINT RESOLUTION NO. 5.

To The Honorable, His Excellency, the Governor of the State of Montana; to the Highway Commission of the State of Montana; to the Secretary of Agriculture of the United States; to the Secretary of War of the United States, GREETINGS:

WHEREAS, House Joint Resolution Number Four of the Twenty-first Legislative Assembly called attention to the then existent and ever increasing need for bridging the Missouri and lower Yellowstone Rivers in the State of Montana, and

WHEREAS, The State Highway Commission of the State of Montana by aforesaid House Joint Resolution Number Four was requested to make necessary examinations and surveys preliminary to the location for construction of highway bridges over aforesaid rivers, and

WHEREAS, The State of Montana through its Highway Commission, the State of North Dakota through its Highway Commission, the Federal Government through the Bureau of Public Roads, the War Department through its control of the Missouri and Yellowstone Rivers as navigable waters, and the County of Richland in the State of Montana have joined in furthering and contracting for the construction of the bridge desired near Sidney, Montana, and

WHEREAS, The contract for such bridge was let, due to the low price of material and labor, at such a reduced cost below the estimate of the engineers of the Montana State Highway Commission;—to-wit, at approximately One Hundred Forty Thousand Dollars below said estimate, and

WHEREAS, It may be possible by immediate, consistent, and progressive action to save to the highway funds of the State of Montana, to the funds of the Bureau of Public Roads, and to the various interested counties of the State of Montana similar approximate reductions in the cost of proposed bridges; in particular the bridge proposed to cross the Missouri River near Culbertson, Montana, and the bridge proposed to cross the Missouri River at the so-called Power Plant site between Fergus and Blaine counties, and the bridge at the so-called Lismas site between Valley and Garfield counties, on said river; plans for their share of the cost having been practically completed by the interested counties;

NOW, THEREFORE, BE IT RESOLVED, That His Excellency, the Governor of the State of Montana, the Highway Commission of the State of Montana, the Secretary of Agriculture of the United States, the Secretary of War of the United States, and the repre-

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sentatives of the State of Montana in the Congress of the United States, be, and hereby are, requested and urged to expedite in every possible way by immediate executive and legislative action, the progress of proposed bridge construction of bridges as provided in House Joint Resolution Number Four, Twenty-first Legislative Assembly, to the end that monetary saving may accrue to the highway funds of the State and Federal Government and that the benefit of the early completion of said bridges may be afforded the residents of the State of Montana and the general public.

BE IT FURTHER RESOLVED, That the Highway Commission of the State of Montana and the Bureau of Public Roads, be, and hereby is, requested and enjoined wherever possible, to provide for contributions from counties to federal aid highway and bridge construction, to be paid in several adjusted payments covering such period of time as the flexibility of highway funds and the construction payments for such highway or bridge construction may permit; and to facilitate in every way possible the economical distributive application of funds so contributed, that such payments be made without unnecessary burden upon said counties.

BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded to His Excellency, the Governor of the State of Montana; to the Highway Commission of the State of Montana; to the Secretary of Agriculture of the United States; to the Secretary of War of the United States; and to the Senators and Representatives in Congress from the State of Montana.

Approved March 12, 1931.

HOUSE JOINT RESOLUTION NO. 6.

A Resolution Requesting Congress to Set Aside April 21st, as a Legal Holiday Throughout the United States of America to be Known as "Muster Day" in Honor of the Spanish-American War Veterans.

BE IT RESOLVED by the House of Representatives of the State of Montana, the Senate concurring herein, that

WHEREAS, the Congress of the United States has, by special enactment, set aside as legal holidays the 4th of July as "Independence Day", the 30th day of May as "Memorial Day", and the 11th day of November as "Armistice Day", in honor of the patriots and veterans who served in the Revolutionary War, the Civil War and the World War; and

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WHEREAS, no day has been set aside as a legal holiday in honor of the Spanish-American War Veterans who enlisted in the United States Army in 1898 and who served faithfully in the Spanish-American War until the end and who won said war for the United States of America.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of Montana, the Senate concurring therein, that April 21st, be set aside and known as a legal holiday throughout the United States of America as "Muster Day" in honor of the Spanish-American War Veterans.

BE IT FURTHER RESOLVED that a copy of this resolution take its place on the calendar and that a copy of this resolution be sent to each Representative and Senator of the State of Montana, in Congress assembled and that they be requested to offer in Congress now assembled, a bill or resolution which will carry out the purposes, request and intent of this resolution and that they will do all within their power to have set aside the day hereinabove mentioned as a legal holiday to be observed throughout the United States and known as "Muster Day" of the Spanish-American War Veterans.

Approved March 2, 1931.

HOUSE JOINT RESOLUTION NO. 7.

A Resolution Requesting that Congress Enact Legislation Providing for the Taxation of the Personal Property of Employees of Military Reservations.

To the Honorable Senate and House of Representatives in the Congress of the United States of America:

Your Memorialists, the Members of the Twenty-second Legislative Assembly of the State of Montana, the Senate and House concurring, respectfully represent,

WHEREAS, many employees on military reservations, particularly reservations that are used for rehabilitation hospitals, protest against the payment of personal taxes, and

WHEREAS, the members of the family of said employees enjoy the benefits of the community, particularly police protection, education and the maintenance of highways, and

WHEREAS, the burdens of these particular benefits to the community should be borne by all alike,

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BE IT RESOLVED, that it is the sense of this Legislative Assembly to the Congress of the United States that they should enact legislation that will provide for the respective states and counties to assess the personal effects of employees residing on reservations therein,

BE IT FURTHER RESOLVED, that a copy of this Memorial be forwarded by the Secretary of State to both the Senate and House of Representatives of the National Congress, and to the Senators and Members of Congress from Montana.

Approved March 16, 1931.

HOUSE JOINT RESOLUTION NO. 9.

A Resolution Requesting the Enactment by Congress of Legislation Necessary to Bring About the Completion of a Through Sea-Way Via the St. Lawrence River, and Requesting the President of the United States to Proceed to a Treaty With Canada Relative Thereto.

To the Honorable Senate and the House of Representatives of the United States of America, and the Honorable President of the United States of America:

WHEREAS, economic authorities in the United States and Canada, acting officially both as Joint Commissions and severally, have repeatedly and unanimously declared that enlarging the connecting channels of the Great Lakes and the St. Lawrence River to admit uninterrupted movement of ocean born commerce from and into the Great Lakes, is economically sound and necessary to raise the competitive position, establish economic equality, permit future development and effect the return of prosperity to the vast continental areas of both countries, and

WHEREAS, over the past five years diplomatic correspondence has brought the two nations into agreement on the assignment of tasks and division of costs, said correspondence having allocated to the United States the construction and cost of all improvements in international waters, which includes the deepening to twenty-seven feet of the connecting channels of the upper Great Lakes, a new lock at the Soo corresponding in dimensions to the locks in the New Welland Ship Canal and the improvement of the international stretch of the St. Lawrence River from Lake Ontario to the forty-fifth parallel (opposite Cornwall), where the river ceases

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to form the boundary line between the two countries, and allocating to Canada the completion of the New Welland Ship Canal and the improvement of the river from the forty-fifth parallel aforesaid to the sea, and

WHEREAS, approximately one-half of the tasks assigned to each Government has either been completed, is in process of completion or already authorized by one of other of the two Governments, and approximately one-half of the total cost of the through seaway has either been expended, in process of being expended or involved in authorizations already made, all of which have been carried out and are capable of being completed without any treaty, and

WHEREAS, engineering authorities in Canada and the United States, acting officially both as Joint Boards and severally, have agreed upon engineering plans and costs and unanimously declared that the International Rapids Section (forty-eight miles) of the St. Lawrence River, extending from Ogdensburg to the International Boundary must, for economic reasons, be developed for navigation and power jointly, and

WHEREAS, the State of New York, with the clear intent of delaying or obviating the completion of a through seaway, via the St. Lawrence, and advancing a deep water route across the State of New York, has caused to be prepared engineering plans, which if permitted to be carried out, will, under the most favorable conditions postpone through navigation seventeen years, but predictably a generation, and in the meantime afford New York opportunity to transfer its barge canals to the Federal Government and, under the pseudonym "all-American", embark the Government upon the staggering and almost useless expense of deepening or widening them for the passage of lake ships down to the port of New York for transfer to the ocean carrier, but not admitting the ocean ship to the Great Lakes, thus denying to mid-continental areas direct access to the sea, and

WHEREAS, no development of this International Rapids Section of the river can be undertaken by either country or any agency in either country without an agreement or treaty appropriate thereto, having first been entered into between Canada and the United States, and

WHEREAS, the landlocked interior of the United States is deeply concerned and in emergent need of the relief which would accrue to that area by the opening of such seaway and the citizens of New York State also are directly interested in the improvement and

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early utilization of the large reservoir of cheap power which would be made available by such joint development, and

WHEREAS, the need exists for a formula or plan that will effect the development of this section of the river for navigation and power at the earliest possible date, by employing the most practical, the most expeditious and best agency or agencies for that purpose.

THEREFORE BE IT RESOLVED, by the House of Representatives of the State of Montana, that the President of the United States be and is hereby requested to proceed to a treaty with Canada for the development of the aforesaid International Rapids Section of the St. Lawrence River at the earliest possible date and in accordance with the plans agreed upon by the Joint Board of Engineers, or such amendment to or changes in said plans as may be subsequently adopted by such Joint Board, and

BE IT RESOLVED, that in such improvement all permanent works such as dams and navigation works be constructed by the Governments of the United States and Canada, along the general lines of assignment of tasks and division of costs outlined in the correspondence between the two countries, but not the power house, superstructures of installation of power machinery, and

BE IT FURTHER RESOLVED, that the Congress of the United States be and is hereby requested to enact the necessary preliminary legislation declaring all lands and the entire flow of the St. Lawrence River, extending from the shore to the International Boundary Line in the river, from Lake Ontario to the forty-fifth parallel, where the river ceases to form the boundary between the two nations, necessary for the purposes of navigation of said waters and the waters connected therewith, and

BE IT FURTHER RESOLVED, that a copy of these resolutions be spread upon the Journal of the House, and that a copy thereof properly attested by the Speaker and the Clerk of the House, be transmitted to the Senators and Representatives in Congress from Montana, and a copy to the President of the United States.

Approved March 2, 1931.

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SENATE JOINT MEMORIAL NO. 1.

Memorial to the Congress of the United States, to Enact Stringent and Immediate Legislation Prohibiting Immigration to the United States for a Period of Five Years, and Preventing Discrimination in Favor of Aliens, Thereby Protecting the Welfare and Interests of the People of This Country.

To the Honorable Senate and House of Representatives in the Congress of the United States of America:

Your Memorialists, the Members of the Twenty-second Legislative Assembly, of the State of Montana, the Senate and the House concurring, respectfully represent:

THAT WHEREAS, during this period of world-wide depression millions of willing, worthy and able-bodied men and women, who are citizens of this country, are unable to secure employment owing to the universal curtailment of work in industrial, commercial and producing lines; and

WHEREAS, this world-wide condition has caused temporarily an enormous surplus of employees, most of whom are freeholders in this great Nation, and which condition is materially retarding the development of this country; and

WHEREAS, frequently men, who have been disabled in action in the defense of our great Nation are being displaced by aliens, which discrimination is a shameful disregard of the patriotic service rendered by these men, who rallied to the defense of our Nation a few years ago; and

WHEREAS, there is a growing tendency on the part of alien employers and heads of departments to discriminate in favor of their former countrymen and relatives in the filling of positions, and that this condition will continue owing to the world-wide depression now existing;

BE IT RESOLVED, that it is the sense of the Twenty-second Legislative Assembly of the State of Montana, that the Congress of the United States enact immediate and stringent legislation prohibiting further immigration to this country for a period of five years, and that legislation be enacted preventing discrimination in favor of aliens.

AND BE IT FURTHER RESOLVED, that a copy of this Memorial be forwarded by the Secretary of State to the Senate and House of Representatives of the United States, to the Commissioner of Immigration, and to each of the Senators and Representatives of the State of Montana, in Congress.

Approved February 12, 1931.

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SENATE JOINT MEMORIAL NO. 3.

A Joint Resolution Memorializing Congress to Enact a Tariff on Oil and its Refined Products, and to Provide Further Relief for the Oil Industry.

WHEREAS, business of practically every kind, not only in the State of Montana, but throughout the entire country, has been directly affected by the depressed condition of the oil industry, and especially during recent months, and

WHEREAS, the unrestrained and excessive importation of foreign oils is the principal cause of the industry's present plight, and

WHEREAS, for the last five years, Montana has received an income of over Seven Hundred and Fifty Thousand ($750,000.00) Dollars per year from taxes, rentals, and royalties from its crude oil production, and it is apparent that this revenue will be very seriously depleted, and

WHEREAS, banking, transportation, manufacturing, and practically every other type of business has been adversely affected by the present depressed condition of the oil industry,

WHEREAS, the general unemployment situation has been very materially aggravated by the oil field and oil office workers, now out of employment because of this glutting of our markets by cheaply produced foreign oils, imported duty free,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN,

That the Congress of the United States, be, and it is hereby memorialized to afford relief to the distressed oil industry, and through that great industry, to the Nation, generally by immediately placing an embargo on imported petroleum and its refined products, and follow this action by an adequate protective tariff on said commodities, and by applying such further legislative relief as is necessary and proper.

AND BE IT FURTHER RESOLVED, that a copy of this memorial be forwarded, by the Secretary of the State of Montana, to the Senate and House of Representatives of the United States, and to each of the Senators and Representatives of the State of Montana, in Congress.

Approved February 12, 1931.

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SENATE JOINT MEMORIAL NO. 4.

Memorial to the Congress of the United States, Indorsing the Amendments Made by the Hon. Burton K. Wheeler, United States Senator from Montana, to Interior Bill, H. R. 14675, Relating to the Appropriations Requested for Roads on Rocky Boy and Blackfeet Indian Reservations and Likewise Appropriations for Construction of Schools at Poplar and Frazer, Montana.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Your Memorialists, the Members of the Twenty-second Legislative Assembly of the State of Montana, the Senate and House concurring, respectfully represent:

THAT WHEREAS, there is before Congress at the present time H. R. 14675, an Act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932; and

WHEREAS, there is contained in said Interior Bill H. R. 14675 certain appropriations made for the building of roads on Rocky Boy and Blackfeet Indian Reservations and likewise for appropriations made for the construction of schools at Poplar and Frazer, Montana; and

WHEREAS, the Hon. Burton K. Wheeler, United States Senator from Montana, has made certain amendments to the aforesaid Interior Bill, H. R. 14675, relating to the building of roads on Rocky Boy and Blackfeet Indian Reservations and likewise for appropriations made for the construction of schools at Poplar, and Frazer, Montana; and

WHEREAS, your Memorialists indorse the said amendments of the said Burton K. Wheeler to the aforesaid Interior Bill, H. R. 14675; and

WHEREAS, we believe there is great need for these projects, that it will tend to relieve unemployment and will incur upon the State great benefits:

NOW, THEREFORE, BE IT RESOLVED, That it is the sense of your Memorialists, the Members of the Twenty-second Legislative Assembly of the State of Montana, that the Congress of the United States, should make appropriations for the building of roads on Rocky Boy and Blackfeet Indian Reservations and likewise for the construction of schools at Poplar and Frazer, Montana, as suggested by the amendments made by the Hon. Burton K. Wheeler,

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United States Senator from Montana, to Interior Bill, H. R. 14675, and

BE IT FURTHER RESOLVED, That a copy of this Memorial be sent to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana in Congress.

Approved February 9, 1931.

SENATE JOINT MEMORIAL NO. 5.

A Memorial to the Congress of the United States of America, Relating to the Proposed Disposition of the Public Domain and also Relating to the United States Reclamation Service.

To: The Honorable Senate and House of Representatives of the United States in Congress Assembled:

We the members of the Twenty-second Legislative Assembly of the State of Montana do hereby respectfully represent that:

WHEREAS, the President of the United States has recommended that the unappropriated and unreserved public lands in the eleven public land states be granted to these states for the support of the public schools;

WHEREAS, There are nearly seven million acres of such lands within the boundaries of the State of Montana, and in addition thereto tens of millions of acres reserved or withdrawn for various purposes, and considerable areas of such reservations and withdrawals are likely to be eliminated therefrom and become a portion of the unappropriated and unreserved public domain;

WHEREAS, These public lands within the State of Montana are intermingled with lands already owned by the State of Montana and with private holdings;

WHEREAS, Long experience in this and other countries has abundantly demonstrated that agricultural and grazing lands will yield their best returns and contribute in the fullest measure to the welfare of the individual and the State when placed under individual control and ownership;

WHEREAS, The State of Montana has successfully administered lands heretofore granted to it by the United States for the support of schools and other public purposes; has built up an organi-

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zation to manage this business; has succeeded in placing considerable portions of these granted lands in private ownership; and large permanent funds have been built up from the proceeds of the sale of such lands.

NOW THEREFORE, BE IT RESOLVED by the Legislative Assembly of the State of Montana, the Senate and House concurring, that we urge upon the Congress of the United States the early enactment of legislation granting these public lands within the boundaries of our state to the State of Montana, the lands so granted to be subject to lease and sale upon terms that will result in bringing them under private management and ownership without any unnecessary delay. We believe that this will result in the preservation and substantial increase of forage, the development of an adequate water supply and all around real and constructive conservation, and that without any cost to the taxpayers of the State or Nation.

We ask that the granting act shall confer upon the State Board of Land Commissioners full power to exchange such lands for other lands of equal value wherever such exchange will result in the consolidation of the holdings of the State into suitable grazing units. This power to exchange and consolidate is of the utmost importance; it is the key to the solution of the problem.

WHEREAS, We hold that as a matter of reasonableness and justice, the minerals in such public lands should naturally go with the surface of the land to the people of the State within the boundaries of which Nature has placed them; and it is absolutely necessary to obtain the mineral rights in order to be able to affect the exchange and consolidation of these lands into suitable grazing units, we ask that all the minerals in these public lands, together with all other minerals heretofore reserved by the United States within the boundaries of the State of Montana, except such as may be essential for the national defense, be granted to the State of Montana; but that the grant of such mineral rights be made subject to reservations which will fully protect the rights of prospectors and miners, both as to entries heretofore made and entries which may be initiated after the grant to the State has become effective.

WHEREAS, We recognize that the United States Reclamation Service is one of the great creative agencies of the government and has made vast contributions to the real development of the West; we are willing and anxious to aid and encourage this great agency in every reasonable way, and as the Reclamation Fund at the present time receives its main increase in working capital from mineral

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royalties, we suggest that the minerals be granted to the State upon the condition that approximately the same percentage of royalties shall be paid into the Reclamation Fund that is now being paid into that Fund from such royalties, so long as this fund is being used for the reclamation of arid lands in the West.

We urge that the Reclamation Act should be so amended that loans from the Fund may be made to organized irrigation districts for the reclamation of privately owned lands without a special act of Congress in each individual case. If no money can be made available from the Reclamation Fund for this purpose, then a special fund should be created.

WHEREAS, The United States Forest Service has proposed the addition of vast areas of grazing lands to the existing National Forests within the State of Montana, including some of our most valuable grazing lands, and we believe that such addition would be uneconomical and unwise, detrimental to the development of this State, opposed to sound National policy.

NOW, THEREFORE, BE IT RESOLVED, That we emphatically oppose this proposed addition of grazing lands to existing National Forests within our state. We recommend that the existing boundary lines of National Forests be examined by impartial persons looking toward readjustment; so that lands now within the boundaries of such forests found to be more valuable for grazing than for other purposes will be eliminated therefrom; and that lands adjacent to present National Forests more valuable for timber production than for grazing will be included within their boundaries, economy of administration to be duly considered in arriving at decisions.

We recognize that the United States Forest Service has been of vast usefulness in preserving and developing the forests of our State; but we firmly hold that its activities should not be extended to include the administration of purely grazing lands.

BE IT FURTHER RESOLVED, That we ask that the present ratio of participation by the Federal Government in the construction of Federal Aid Highways be continued for a period of not less than ten (10) years from the time that the grant is accepted by the State.

WHEREAS, We regard the public school as one of the basic institutions of this country, essential to the well-being and perpetuation of the Republic, and its operation and maintenance require great sums of money, we ask that the larger portion of the lands granted to the State of Montana be dedicated to the perpetual

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support and maintenance of this institution, and in accordance with the recommendation of the President of the United States.

BE IT FURTHER RESOLVED, That copies of this Memorial be sent to the President of the Senate, the Speaker of the House of Representatives and our Senators and Representativs in Congress and that five hundred (500) additional copies above the usual number be printed for the use of other members of Congress and other public officers and persons interested in the proposed National Legislation with regard to the disposition of the public domain.

Approved March 9, 1931.

SENATE JOINT MEMORIAL NO. 6.

A Resolution Memorializing the Congress of the United States for a Grant of Land for Public Buildings at the Capital of the State, in Addition to the Grants Heretofore Made for That Purpose.

To: The Honorable Senate and House of Representatives in the Congress of the United States:

WHEREAS, the grants of public lands for public buildings at the Capital of the State heretofore made have been found to be insufficient to meet the present needs and requirements, and

WHEREAS, the Twenty-first Legislative Assembly authorized the issuance of a bond issue of Two Hundred Fifty Thousand and no/100 ($250,000.00) Dollars, for the purpose of erecting and furnishing a suitable Montana State Historical Library as an adjunct to the State Capitol Building, and

WHEREAS, the State Board of Examiners have been unable to sell or dispose of said bond issue, owing to the insufficiency of the security guaranteeing said issue, and

WHEREAS, the security guaranteeing the said issue consists of the land heretofore granted for buildings at the Capitol, against which there is outstanding bonds aggregating various amounts which exhausts said security, and

WHEREAS, there is remaining in the State of Montana approximately seven million acres of vacant unappropriated, unreserved public land.

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NOW, THEREFORE, BE IT RESOLVED By the Senate of the State of Montana, and the House of Representatives concurring that the Congress of the United States be memorialized to grant to the State of Montana two hundred fifty thousand acres of vacant unappropriated, unreserved public lands within the State of Montana for public buildings at the Capitol of the State in addition to the grants heretofore made for that purpose.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives and each of the Senators and members of the House of Representatives from Montana in Congress, and to the Secretary of the Interior.

Approved March 5, 1931.

SENATE JOINT RESOLUTION NO. 2.

Whereas, the Storage of Water of the Musselshell River is a Vital Necessity to the Stabilization of Agriculture and the Livestock Industry, in the Musselshell River Basin, and is Highly Important from a Flood Control and Water Utilization Standpoint both Statewide and National; and of Great Importance to the Health and General Welfare of the Citizens of a Large Area of Montana, Now, Therefore, Be it Resolved by the Senate of the State of Montana, the House of Representatives Concurring, that the Congress of the United States be, and is Hereby Respectfully Urged in Accordance with the Following Report of the Fact-Finding Committee of the Musselshell Basin Flood Control Association, to Carry Out the Recommendation of the Report:

STATEMENT OF FACTS CONCERNING THE MUSSELSHELL VALLEY WATER SITUATION BY THE MUSSELSHELL BASIN FLOOD CONTROL ASSOCIATION.

1. The Musselshell Basin consists of approximately 7,000 square miles, having a population of about 50,000, most of which land is dry land and adaptable to production of feed, grazing and livestock raising industry.

2. Of these 7,000 square miles, between fifty and sixty thousand acres are under ditch at the present time.

3. The water supply is very inadequate for the amount of land under ditch due to the irregular flow of the river.

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4. The supply varies from 50% of enough water for all land under irrigation to no water at all, depending upon the season and location.

5. The stream flow records covering a period of twenty-five years, show conclusively that there is sufficient water and sufficient storage facilities to adequately supply the entire acreage now under ditch with an adequate water supply.

6. Stream flow records also prove that increased acreage in the form of hay land could be placed under irrigation with the present irrigation equipment.

7. The serious lack of irrigation water is due to the fact that the Musselshell River and its tributaries run off early in the year and the remainder of the year most of the area of the basin remains dry or nearly dry during irrigation season.

8. The limited water supply limits the feed supply, limits the amount of area that can profitably be used for grazing, and limits materially the agricultural income of the Musselshell Basin. This applies to individual farms along the valley and grazing land adjoining and tributary to the streams.

9. Practically all the land under ditch, which does not have a dependable or adequate water supply is hay land and stock feed land.

10. This condition of limited water supply is becoming more acute and serious each year in the lower portion of the valley. This is due in part to a more extensive utilization of water in the upper portion of the valley.

11. The irregular water situation caused from lack of storage and the utilization of more water in the upper portion of the valley, has caused a large abandonment of irrigation and a consequent neglect of ditches in the lower end of the basin.

12. The irregular and uncertain water supply has caused a very unstable situation so far as land values and crop production are concerned.

13. It is estimated that the average annual loss to the stock industry of the Musselshell Basin, due to this situation, is approximately one million dollars annually.

14. In many years the water supply in a large portion of the basin is not even adequate for the watering of stock. This was notably true in the years 1919, 1926, 1929 and 1930.

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15. The flood loss to property, including land, irrigation, ditches, dams, roads, railroads, mines, stock, buildings and other property has been known to reach as high as a million and a half or two million dollars in a single year.

16. The water supply of some of the cities and towns along the Musselshell has been seriously impaired due to the lack of water supply of the Musselshell River.

17. The sewage disposal problem has been serious due to the lack of water in the river, causing danger of epidemics to both human and animal life.

18. The furnishing of an ample water supply would not increase the wheat or cereal acreage for the cash market, but would have a tendency to decrease it in that dependable feed crops could be raised from year to year for the benefit of stock and dairy interests in that region, thus making a more proper utilization of the land in the Musselshell Valley and adjacent territories.

19. Under existing water right laws, there are no means of readily determining the existing water rights on the Musselshell and its tributaries except by full adjudication of those rights in court. Such adjudication entails very great expense which might not be justified under the conditions now existing and the fluctuating water supply which is now prevalent.

20. Records of original filing of water rights have little value in determining the actual status of bona fide rights.

21. An adjudication of water in the Musselshell River would entail an expense of not less than $50,000.00, and would require a long period of time and would not increase the water supply. It would, however, require a number of water commissioners, which would involve a definite annual expense, and would undoubtedly cause friction among the farmers and stockmen of the valley.

22. In contrast with this situation run off records show that with the known available storage facilities, there is sufficient water for all of the land now under irrigation in the entire valley under ditch.

23. In addition thereto, the storage capacity is sufficiently large to equalize the water flow between seasons. In addition thereto, from all available information, considering the acreage involved, the naturalness of the storage sites, the expense of storing water is considered practical.

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24. According to those who have made an investigation of the situation, a storage program is considered sound on the following basis:

a. Relief from flood damage to property.

b. Drought relief.

c. Stabilization of agriculture.

d. Stabilization of land values.

e. Proper and sound land utilization.

f. A health and sanitary condition favorable to both human life and livestock, affecting an area of 7,000 square miles of grazing land and 50,000 or 60,000 acres of irrigated land.

25. A water storage program for the Musselshell Basin would have a definite part and be a definite factor in:

First—A national water utilization program.

Second—A national flood control program, and

Third—A national river navigation program.

26. That should the reports of the above survey find a water storage program practical from a navigation, flood control or water utilization standpoint, that appropriate plans and federal appropriations be made for carrying out said program in the Musselshell Basin.

27. Plan of Action:

1. The Musselshell Basin Flood Control Association commends the work of the United States government through the corps of engineers in the study being made of proper utilization of our water resources. It urges the cooperation of the states in any proper way with this work. It respectfully urges that the reports of this study to the Congress be made public as soon as possible.

2. Requests that a detailed economic and engineering survey be made either by the War Department or the Reclamation Service, believing that the previous reclamation report made in 1902 and 1903 is out of date and based on information that has changed since that date and would be of but little value to the situation as it stands today.

NOTE—No plan of action or construction has as yet been made or recommended. It is believed, however, that such a project would be of vital interest and value, not only to the basin, but to the state and national government as well, and every effort should be made to try to get a storage construction program provided by the National Government, depending entirely upon the report of the army

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engineers and the engineering and economic survey that will necessarily have to be made prior to any activities along this line.

The Musselshell Valley Flood Control Association consists of the livestock, farming and business interests of the valley, who are supporting a water storage program.

E. H. DOLE, President,
Winnecook, Montana.
J. A. LEGGETT, Secretary,
Roundup, Montana.

Approved February 12, 1931.

SENATE JOINT RESOLUTION NO. 3.

A Concurrent Resolution Memorializing Congress to Pass and the President to Approve House Resolution 9599 by Leavitt.

WHEREAS, there is now pending before the Seventy-first Congress Third Session, House Resolution 9599 by Leavitt, entitled: "A bill to authorize the Secretary of Agriculture to carry out his ten-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes", and

WHEREAS, the livestock and poultry raisers of Montana suffer a loss of thousands of dollars annually through stock and poultry being destroyed by predatory animals, and

WHEREAS, the State of Montana is now spending large sums of money annually in the destruction of predatory animals for the protection of its livestock and poultry industries, which expenditures result beneficially to the preservation of the wild life in the National Parks and Federal Forest Reserves, and

WHEREAS, tularemia is becoming more prevalent among the wild animals and the state has no way of combating this disease and needs Federal assistance in this, as well as in the work of destroying predatory animals,

NOW, THEREFORE, BE IT RESOLVED that the Legislative Assembly of the State of Montana hereby recommends the prompt passage of House Resolution 9599 by Leavitt in order that the work of destroying predatory animals and suppressing rabies and tularemia among wild animals, be effectively carried on.

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BE IT FURTHER RESOLVED, that a copy of this memorial be transmitted by the Secretary of State of the State of Montana to both Houses of the National Congress.

Approved March 9, 1931.

SENATE JOINT RESOLUTION NO. 4.

A Resolution Urging the President of the United States to Reconsider and Modify His Order of March 12, 1929, Relating to the Issuance of Oil and Gas Permits on the Public Lands, so as to Allow the Issuance of Permits for the Development of Natural Gas on the Public Lands Within the State of Montana.

WHEREAS, The President of the United States under date of March 12th, 1929, made an order prohibiting the further issuance of permits to prospect the mineral lands of the United States for oil and gas, upon the ground that there was an over-production of oil in the United States, and that the oil in the public lands should be conserved for future use, and

WHEREAS, The reasons for the issuance of such order have no application to the development of natural gas resources, since natural gas, by its nature, can be supplied only to communities which can be reached by pipe-line from the gas producing area, and not already supplied, and

WHEREAS, There are extensive areas within the State of Montana that have a prospective value for the production of natural gas, the successful development of which would give needed employment to a large number of people within the State of Montana, and would substantially increase the value of the taxable property within the State, and the development of same is being retarded by the order of the President above mentioned.

NOW, THEREFORE BE IT RESOLVED By the Senate of the State of Montana, the House of Representatives concurring, that the President of the United States, be, and hereby is respectfully urged to reconsider the said order made on the 12th day of March, 1929, and to modify the policy therein expressed, so as to permit the issuance of permits for the development of the public lands within the State of Montana for the production of natural gas, and

BE IT FURTHER RESOLVED That copies of this Resolution be forwarded by the Secretary of State to the President of the United States, and to each of the Senators and Representatives of the State of Montana in Congress.

Approved March 2, 1931.

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CHANGES OF NAMES REPORTED IN 1929 AND 1930.

Date of Judgment	Original Name	Name Decreed	Residence
Feb. 1, 1930	Gotlieb Orlofske	Robert Jack Sheldon	Gallatin County
Mar. 6, 1929	Vivian Gorham	Vivian Gorham Lusk	Missoula, Mont.
Aug. 16, 1930	Esther A. Johnson	Esther A. Lindberg	Missoula, Mont.
Aug. 20, 1930	MacDonnell Mason	Fred M. Thompson	Billings, Mont.
Mar. 13, 1930	Alfred Joseph Hoar	Alfred Joseph Hamilton	Stevensville, Mont.
Mar. 13, 1930	Iola Agnes Hoar	Iola Agnes Hamilton	Stevensville, Mont.
Mar. 13, 1930	Joanne Hoar	Joanne Hamilton	Stevensville, Mont.

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APPENDIX

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APPENDIX

The following Referendum measures were adopted by vote of the people at the General Election held November 4, 1930, and became effective by virtue of the Governor's Proclamation on December 10, 1930:

REFERENDUM MEASURE NO. 33.

Substitute for House Bill No. 268.

CHAPTER 126.

An Act to Authorize the State of Montana to Become Indebted in the Sum of Three Million Dollars in Excess of the Constitutional Limitation of Indebtedness and Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which the State of Montana Is Now Obligated, for the Construction, Repair, and Equipment of Necessary Buildings, Other Permanent Improvements and the Acquisition of Necessary Grounds Therefor, at the Several Institutions of the State of Montana, Consisting of the State University at Missoula, State College of Agricultural and Mechanic Arts at Bozeman, the Montana State School of Mines, at Butte, the Montana State Normal College at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agricultural and Manual Training School at Fort Assinniboine, Now Comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, Montana School for Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, the State Vocational School for Girls at Helena, the State Insane Asylum at Warm Springs, the Montana State Tuberculosis Sanitarium at Galen, the State Soldiers' Home at Columbia Falls, and the State Prison at Deer Lodge; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness and for the Sale Thereof, Prescribing the Form of Such Bonds and Providing for the Levy of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Legislative Assembly of the State of Montana is hereby authorized and empowered to direct the State Board of Examiners to issue bonds in the name of the State of Montana

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in an amount not exceeding Three Million Dollars ($3,000,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, the money derived from the sale of said bonds to be used for the purpose of constructing, repairing, and equipping necessary buildings, for other permanent improvements, and for acquiring necessary grounds therefor, at the several institutions of the State of Montana, and consisting of the State University at Missoula, the State College of Agricultural and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte, the Montana State Normal School at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agricultural and Manual Training School at Fort Assinniboine, now comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana School for Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, the State Vocational School for Girls at Helena, the State Insane Asylum at Warm Springs, the Montana State Tuberculosis Sanitarium at Galen, the State Soldiers' Home at Columbia Falls, and the State Prison at Deer Lodge.

Section 2. Such bonds shall be issued in series from time to time by the State Board of Examiners upon the direction of the Legislative Assembly of the State of Montana, and at such time and in such amount as may appear to the Legislative Assembly of the State of Montana in the exercise of its judgment and discretion to be for the best interests of the State and necessary for the erection, repair and equipment of necessary buildings, other permanent improvements, and acquisition of necessary grounds, at the institutions designated in the foregoing Section.

Section 3. Each series of bonds provided for in this Act shall be issued in such denominations as may be determined by the State Board of Examiners at the time the same are authorized to be issued under the provisions of this Act, and shall bear date as of the day of issuance thereof, and shall become due and payable thirty (30) years from that date, and be redeemable at the option of the State at any time after ten (10) years from their date at any interest paying period, and shall bear interest at the rate of not exceeding five per centum (5%) per annum, payable semi-annually on such dates as may be determined and fixed by the State of Montana; provided, however, that for each series of said bonds issued after the issuance of a first series thereof, the State Board of Examiners shall so fix the interest paying dates that the interest thereon will become due and payable on the same date as the interest on such first series of bonds which become due and payable,

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and in order so to do, the State Board of Examiners may provide that the first interest shall be due and payable at a date less than six (6) months after the date of the issuance of such series; and provided further that interest only shall be paid on said bonds for the first ten (10) years after their issuance, and that thereafter provision shall be made for a sinking fund adequate for the redemption of said bonds pursuant to their terms.

Section 4. The State Board of Examiners shall prescribe the form of such bonds and the bonds of each series shall bear upon their face the words "State Institutions Bonds of the State of Montana" with a letter or figure to designate the series thereof, and shall be signed by the members of the State Board of Examiners, and the Great Seal of the State of Montana shall be affixed to each bond and the bonds shall be registered in the office of the State Treasurer. Said bonds shall have interest coupons attached thereto covering the interest due semi-annually, which coupons shall be executed with facsimile signatures of all of the members of the State Board of Examiners and the signing of said bond with facsimile signatures shall be recognized as sufficient execution of said coupons on behalf of the State of Montana.

Section 5. The bonds provided for in this Act shall be disposed of by the State Board of Examiners in such a manner as they shall deem for the best interests of the State in carrying out the provisions of this Act; provided that no bond shall be disposed of for less than its par value.

Section 6. All moneys derived from the issuance and sale of the bonds authorized by this Act shall be paid into the State Treasury, and shall constitute a special fund for the construction, repair, and equipment of necessary buildings, and other permanent improvements, and the acquisition of necessary grounds therefor, at the State University at Missoula, the State College of Agricultural and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte, the Montana State Normal School at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agricultural and Manual Training School at Fort Assinniboine, now comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana School for Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, the State Vocational School for Girls at Helena, the State Insane Asylum at Warm Springs, the Montana State Tuberculosis Sanitarium at Galen, the State Soldiers' Home at Columbia Falls, and the State Prison at Deer Lodge, and shall be expended only for the construction, repair, and equipment of necessary buildings, other permanent

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improvements, and the acquisition of necessary grounds therefor, at said institutions, and shall be disbursed by the State Treasurer on warrants properly drawn against such fund by the State Auditor pursuant to the orders of the State Board of Examiners.

Section 7. That there shall be levied annually upon all property in the State of Montana subject to taxation an ad-valorem tax upon each dollar of the assessed valuation of such property sufficient to pay the interest accruing on said bonds for the first ten (10) years after their issuance, and sufficient thereafter to pay the interest on said bonds and to provide an adequate sinking fund for their redemption. The tax when collected by the County Treasurers of the several counties of the State shall be by them accounted to and paid into the State Treasury of the State of Montana, and by the State Treasurer placed in the "State Institutions Bond Sinking and Interest Fund", which fund shall be used exclusively for the payment of the interest on said bonds, and to constitute a sinking fund for their redemption.

Section 8. There shall be a referendum on this Act and the Secretary of State is hereby required, and it is made his duty to submit this Measure in accordance with Section 2 of Article 13 of the Constitution of the State of Montana and all other provisions of the Constitution and Laws of the State of Montana applicable thereto to the people of the State for their approval or rejection at the General Election to be held in November 1930. The official ballot used at said Election shall have printed thereon the title of this Act, and below the same shall be printed the words:

☐ For the Bond Issue for State Institutions.

☐ Against the Bond Issue for State Institutions.

Each elector shall designate his preference by marking an "X" in the square below the proposition for which such elector desires to vote. The votes cast for and against the law above proposed, shall be counted, returned, and canvassed, and the results shall be determined and declared in the manner provided by the General Election Laws of the State.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1929.

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REFERENDUM MEASURE NO. 34.
Substitute House Bill No. 86.
CHAPTER 138.

An Act Providing for the Increase of the Rate of Taxation on Real and Personal Property for State Purposes of not to Exceed Three (3) Mills on Each Dollar of Valuation, in Addition to the Levy which is now or may be hereafter Authorized by Section 9 of Article 12 of the Constitution of the State of Montana, for a Period of Ten Years Beginning with the Year 1931, and to Authorize and Empower the Legislative Assembly to Levy a Tax for Each Year During Such Period of an Additional Levy of not to Exceed Three (3) Mills on each Dollar of Valuation for the Support, Maintenance and Improvement of the Institutions now Comprised in the Greater University of Montana, Together with the Agricultural Experiment Station and Its Branches and Substations, and the Agricultural Extension Service, Including the Soil Survey and the Grain Laboratory and to Appropriate so much of the Money Derived therefrom for each year During Said Period as may be Necessary for said Purposes, and Providing for the Submission of this Act to the Qualified Electors of the State of Montana at the next General Election, Describing the Form of Ballots to be Used and the Duties of the Secretary of the State of Montana Relative to the Submission of said Act to the Qualified Electors of Said State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the rate of taxation on real and personal property for State purposes, as is hereafter defined, for each year for a period of ten years beginning with the year 1931, shall be increased three (3) mills on each dollar of valuation, in addition to the levy which is now or may hereafter be authorized by Section 9 of Article 12 of the Constitution of the State of Montana, and the Legislative Assembly is authorized and empowered to levy an additional tax for State purposes for each of said years of not exceeding three (3) mills on each dollar of valuation for State purposes, and all money derived from said additional levy of three (3) mills for each of said years or so much thereof as may be necessary shall be appropriated by the Legislative Assembly for the support, maintenance and improvement of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte, the Montana State Normal College at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agricultural and Manual Train-

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ing School at Fort Assinniboine, now comprised in the University of Montana, together with the Agricultural Experiment Station and its branches and substations, and the Agricultural Extension Service, including the Soil Survey and the Grain Laboratory.

Section 2. There shall be a referendum upon this Act, and the Secretary of State of the State of Montana is hereby required and it is made his duty to submit this Act to the people of the State of Montana for their approval or rejection at the general election to be held in November, 1930, in accordance with the provisions of the Constitution and the laws of the State of Montana relative thereto; the title and number of this Referendum Act shall be printed upon the official ballot used at said election, and below the title shall be printed the words:

☐ For the levy for the University, Agricultural Experiment Stations and Extension Service.

☐ Against the levy for the University, Agricultural Experiment Stations and Extension Service.

Each elector shall designate his preference by marking an "X" in the square before the proposition for which such elector desires to vote.

Section 3. The vote upon this Referendum Act shall be counted and canvassed as is provided by law and if a majority of all votes cast at such election for and against such Referendum Act shall be in favor of the Act, the Governor of the State of Montana shall immediately so declare by public proclamation.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1929.

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GENERAL INDEX

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